



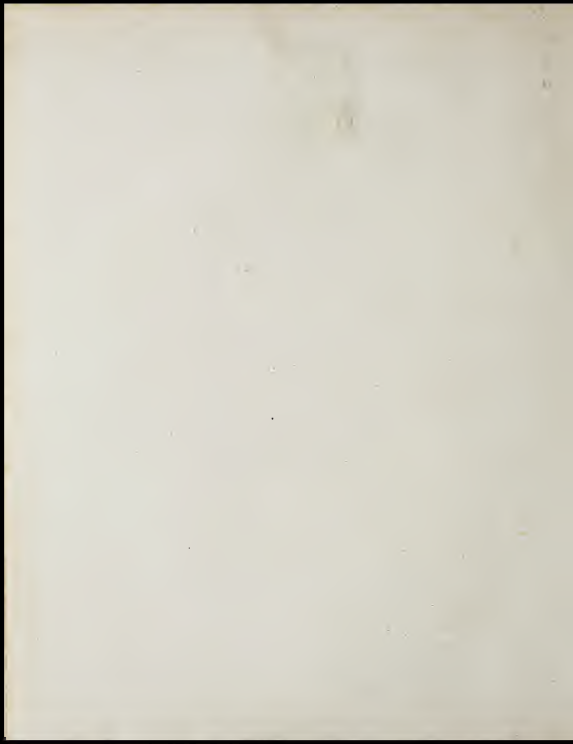
GUACANAGARI PONTIAC BLACK HAWK
 MONTEZUMA CAPTAIN PIPE KICKLEE
 CURTHOTTEN LOGAN SAGAGAWITA
 POWHATAN CORNPLANTER BENTO JARRE
 POCAHONTAS JOSEPH BRANT MANGUS
 SAHO SET RED JACKET COLORADAS
 MASSASOIT LITTLE TURTLE LITTLE CAWOW
 KING PHILIP YECUMENH SITTING BULL
 UNCAS OSAGEA CHIEF JOSEPH
 TEDDYUSKUNG SEQUOYA GERONIMO
 SHABONEE

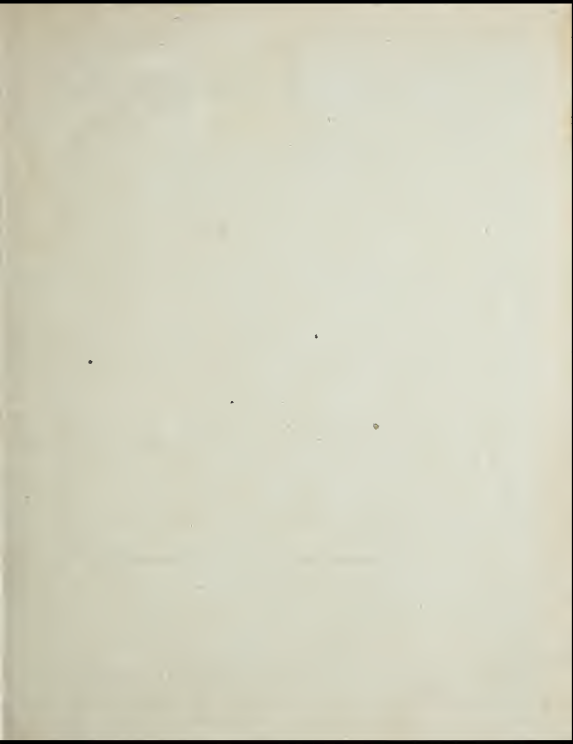


TO PERPETUATE THE HISTORY
 AND DEVELOPMENT OF THE
 PEOPLE REPRESENTED BY THE
 ABOVE CHIEFS AND WISE MEN
 THIS COLLECTION HAS BEEN
 GATHERED BY THEIR FRIEND
 EDWARD EVERETT AYER

AND PRESENTED BY HIM
 TO
 THE NEWBERRY LIBRARY
 1911









GOVERNOR AND COMPANY OF CONNECTICUT,
AND
MOHEAGAN INDIANS, BY THEIR GUARDIANS.

CERTIFIED COPY
OF
BOOK OF PROCEEDINGS
BEFORE
COMMISSIONERS OF REVIEW,
MDCCXLIII.

L O N D O N:
PRINTED BY W. AND J. RICHARDSON.
MDCCCLXIX.

21 22 23
24 25 26
27 28 29
30 31 32

T A B L E

T O T H E

Proceedings before the Commissioners of Review, in 1743.

N. B. As to the two columns containing the numbers of the pages of the Book of Proceedings referred to by the following table; the first column refers to the manuscript book transmitted by the commissioners to the Board of Trade, the other to the print.

N. B. In the book transmitted to the Board of Trade,

	MS.	Print.
T HE minutes and exhibits entered in the minutes, from page — — — — —	1 to 221	3 to 144
Paper Book entered in the minutes, containing the proceedings before the commissioners in 1705, from page —	32—105	23— 68
The remainder of the minutes, from page —	380, &c.	279, &c.
Exhibits on behalf of the government of Connecticut, from page — — — — —	220—238	144—158
Major Mafon's Brief History of the Pequot War, annexed to page — — — — —	380	253
Further exhibits on behalf of the Moheagan Indians, from page —	328—365	213—239
Exhibits on behalf of the tenants, from page — —	365—381	239—251

(a)

A T A B L E

A TABLE to the Book of Proceedings before the commissioners in this cause, in 1743.

	MS.	Print.
The Paper Book, containing the proceedings before the commissioners, Governor Dudley and the others, in 1705, exhibited in court before the commissioners, in 1743, by the counsel for the Indians and the Masons their guardians, (and admitted by the agents for the governor and company, page 28 of the Book of Proceedings 1743) and entered at large from the minutes, from — —	33 to 104	23 to 68

Contents of the said Paper Book.

19 July, 1704. Queen Anne's commission to Governor Dudley and others, to examine and determine between the Moheagan Indians and the government of Connecticut concerning encroachments complained of to have been made by the government on the Indians lands, with proper powers, — — —	33	23
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----	----

Reciting,

1st, " That the principal Sachems of the Moheagan Indians in the colony of Connecticut (*being the chief proprietors of all the lands in those parts*) did, upon the first coming of the English to inhabit there, receive them in a friendly manner, and permitted them peaceably to plant and settle great part of their lands, which they granted to them for an inconsiderable value, reserving only to themselves a small parcel of land to plant and hunt in.

2d, " That said Indians had, ever since the coming of the English, entertained and cultivated a firm friendship by league with them, and had at times assisted them when they had been attacked by their enemies.

3d, " That in several treaties between the said Moheagans and said English, it had been agreed that the said Indians should be protected in the possession of their said reserved lands.

4th, " That contrary to the said treaties and to common justice, the government of Connecticut had passed an act or order in their general court of assembly, by which they had taken from the said Indians that small tract of land which they had reserved to themselves, and were possessed of as aforesaid.

5th, " That

	MS.	Print.
5th, "That the said Indians had <i>often</i> made applica- tion to the government there, but instead of finding a redress had been <i>ill used</i> , to their great discouragement."		
23d August 1705. The commissioners opened the court at Stonington in Connecticut	37—92	25—61
Governor Winthrop's letter to Commissioner Dudley, acknow- ledging his letter of notice of 30th July 1705 to the go- vernment of Connecticut of the sitting of the commissioners at Stonington 23d August following, and informing him of the government's appointing agents, &c. to attend	47	32
Summons and return of several persons, intruders on the Indians lands	46	31
Instances of contemptuous behaviour of the <i>government's</i> <i>agents</i> and others toward that court, 1705	94—96	61—63
The government's agents <i>protestation</i> against the proceedings of that court	48 & 49	32 & 33
Facts found by the commissioners comprized in fourteen ar- ticles, which may be supposed virtually to include the matter of the Indians particular complaints before them, and are all so many particulars correspondent to the five general heads of the Indians complaints recited in Queen Anne's commission as before-mentioned	39—43	27—29
<i>Unanimous</i> judgment of the <i>nine</i> commissioners in 1705	38—44	26—29
John Mason appointed by the court guardian and trustee of the Indians, and their affairs <i>at the request</i> of Oweneco, the Indian Sachem	102 & 103	67 & 68
The commissioners letter to the governor and company of Connecticut, notifying their judgment, and recommending it to them to put Oweneco, Uncas, and the Moheagan Indians, <i>into possession of the several parcels of land ac-</i> <i>cordingly</i> ; signed by nine commissioners	86 & 90	58 & 59
Evidence in the Paper Book upon which the judgment in 1705 was founded.		
The information given in court by Mr. Thomas Leffingwell, <i>one of the commissioners</i>	95	63
Testimony of witnesses sworn in court in 1705.		
Captain Bushnell, Samuel Lathrop, and Joseph Bushnell	97	64
John Hubbard Edward Culver Joshua Ripley Edward Culver	97	64
		Elisba

	MS.	Print.
Elisba Pain and Jedediah Fitch } _____	98	65
Major James Fitch } _____		
Elisba Pain _____	99	65
Major James Fitch _____	99	65
Major Mafon's and Richard Bushnell's certificate _____	99 & 100	65
See the minutes of the proceedings before the commissioners } _____	92—102	61—68
in 1705 _____		
And the testimony of witnesses before the commissioners } _____		
1705, from Nicholas Hallam to Samuel Mafon, and Richard Bushnell's account of Indians answers, when their assistance was demanded by the government _____	82—89	54—58
Chandler's perambulation of the boundaries of the Mohegan country delivered in court to the commissioners in 1705, with the plat thereof taken, according to the records of the colony, upon actual survey upon oath. [See settlement of the Mohegan boundaries by the colony committee reported to general court, and by them ordered to be recorded in page 54.] _____	72—78 97	47—51 64
Governor Winthrop's order forbidding the running the lines of the Mohegans lands _____	81—83	54
Memorandum: That Major Fitch was obliged to give a bond of 100 l. to indemnify the surveyor, or the matter had ceased _____	82	54

Evidence to prove the survey.

Captain John Chandler } _____		
Edward Culver } _____		
Samuel Sterry } _____	Sworn in court in 1705	77 & 78
Elisba Pain } _____		50 & 51
Captain Chandler _____		97 & 98
A list of nine copies of deeds and instruments taken from the records of the colony of Connecticut, certified as such by Secretary Kimberly under the colony seal _____		53
21st September 1638. Articles between the English on Connecticut River and the Indian Sachems of several nations (inter alios) Uncas, Sachem of the Mohegans _____		50
15th August 1659. Deed of sale from Uncas and Wawequa, Sachems of the Moheag country, to Major Mafon, of all the lands belonging to their territories _____		70
14th March 1660. Major Mafon's surrender of the jurisdiction power over the Moheags country (granted to him by Uncas and Wawequa) to the governor and magistrates _____		64
20th May 1661. Deed of confirmation of the deeds of 15th August 1659, from Uncas, Oweneco, and Attawanhood [Sachems of Moheags] to Major John Mafon, _____		71

Reciting,

Reciting, "That Uncas, with his brother Wawequa,
" did, by deed of sale of that date, make over to
" Major Mason *all their lands and territories within*
" *their whole claim:*

" And that the Major, by virtue thereof, did enter
" upon and improve those lands; and that he being
" *then in possession thereof,*

" Therefore that he, Uncas (his brother Wawequa
" being dead) did with his two sons, Oweneco and
" Attawanhood, confirm the deed of sale to said
" Mason, his heirs and assigns for ever."

[Declaring, "*That it was with the consent of all their*
" *people of Mohegan.*"]

N. B. This deed is not in the Paper Book, but it was
exhibited by the agents for the governor and com- } 247

pany at the court 1743, see page
But abstracted here for the better understanding of
the title.

164

14th December 1665. Uncas, Oweneco, and Attawanhood,
Indian Sachems, their deed of *confirmation* to Major
Mason of their last deed of 1661, reciting the same and
declaring the trust at large } 71

46

10th May 1666. Agreement between Uncas and Aramamet
and other Indian Sachems, before a committee of the *gene-*
ral assembly appointed for the purpose } 67

44

10th March 1668. Uncas and Oweneco, Sachems of Mo-
heagan, their deed to New London township. *Witnessed*
by John Mason, their trustee, *to signify his Approbation* } 65 — 67

42 — 44

9th May 1671. Major Mason's deed of conveyance to Uncas,
Oweneco, and Attawanhood, Sachems of Moheag, of the
lands between New London and Norwich, with a clause that
the same should be inalienable, thence called The Sequest-
tered Lands, being a *part* only of the lands *granted* by those
Indians to Major Mason by the deed 1639, and *confirmed*
by the deeds of May 1661 and 14th December 1665 } 62 — 64

41 & 42

See Oweneco's deed of settlement of the same lands upon the
tribe with the like clause, 6th March 1683-4 } 334

217

March 1679. Uncas's genealogy allowed by the general
court of Connecticut to be recorded 19th October 1692,
showing also his right to the Pequot country } 57 — 59

38 & 39

18th May 1681. A *league* between Connecticut and Uncas,
Sachem of Moheagan } 59 — 62

39 — 41

10th May 1683. The court at Hartford appoint their *governor*
and Major Talbot to be a-committee *to settle boundaries* be-
tween Uncas and the plantations to which his lands ad-
joined, and to compose differences between Lyme and Un-
cas, and all other differences which he (Uncas) should de-
fire to refer to them } 52 — 56

34 — 37

(b)

8th May

	MS.	Print.
8th May 1684. Committee's report thereupon <i>ordered by the general court to be recorded as their return</i>	52 & 53	35
13th D°. The committee's account of the Moheagan boundaries recorded	54 — 56	36 & 37
13th October 1692. Oweneco's application to the general court, desiring that his father's lands <i>recorded to him, might be confirmed to him</i> [Oweneco] <i>and his son Mahomet, and that they may not pass it away to any without the consent of Captain Samuel Mason, and to be acknowledged before him; which the court allowed of</i>	65	43
20th October 1692. Acknowledgment of the general court that Mahomet <i>ought of right to be next Sachem after Oweneco; and reciting Oweneco's request (as in the last) that his father's lands might be confirmed to him and his son Mahomet, and that they might not pass it away without Samuel Mason's consent, and to be acknowledged before him; the court allowed thereof</i>	72	47
1698. Captain Prent's return of survey to Governor Winthrop, Saltonstall, and others, in that year, of 200 acres each, as it was called	78	51
14th May 1705. Grant (or order for grant) thereof, by act of assembly to Governor Winthrop and Saltonstall, according to Prent's return, made in pursuance of act of assembly for that purpose in 1698, as therein recited — N. B. <i>For this grant there is no colour of purchase from the Indians with or without Mason's consent.</i>	79 — 80	52 & 53
Captain Prent's deposition concerning <i>this survey before the</i> commissioners in 1705	79	52
John Hubbard's deposition as to the quantity of land in reality laid out, being 1100 acres and upwards	97	64
And 9th Article of the judgment 1705	41 & 42	28
11th May 1699. Grant (or general court's order for grant) to the township of Colchester; also government's exhibits	81 & 228	53 & 144
[See <i>all</i> 13th October 1698, and the last <i>act</i> and Foot's deed among the government's exhibits]	225 — 228	148 — 150
See also Colchester patent among the Indians exhibits	336	219
13th May 1702. General court's order for granting addition to the township of Colchester to John Bulkley and others out of the Moheagan lands. [<i>This must be supposed to have reference to the last order of court in 1699.</i>] See Colchester patent	81	53
D°. Addition to New London bounds (by <i>all</i> of the general court) ordered	69	45
See copy with these words (<i>in regard the governor is concerned therein</i>). This an erroneous copy certified by the then secretary	267	177

	MS.	Print.
1 st See patent to New London Township (including the Lands) among the government's exhibits, dated 14th October 1704	263	173
2 ^d September 1703. The Indians answer, when their affidavit was demanded, certified by Samuel Mafon and Richard Buflnell	87 to 89	57 & 58
Other proofs by witnesses before commissioners in 1705.		
Who Samuel Mafon and Daniel Clarke were	84 & 85	55 & 56
Daniel Clarke	87 & 95	57 & 63
Nicholas Hallum	83 & 84	54 & 55
Solomon Tracey		
Thomas Leffingwell, lieutenant	85	56
Thomas Leffingwell, ensign		
Richard Buflnell		
James Avery	86	56 & 57
John Avery		
John Fanning		
Samuel Avery		
Daniel Clarke's certificate, that he had exhibited Oweneco's complaint to the general assembly of <i>wrongful entries</i> made upon his lands without redress	87	57
Oweneco's declaration before commissioners in 1705, that his deed to the gentlemen of Haddam, wherein Mr. Sheldon was concerned, dated 26th June 1702, which was by allowance of Major Samuel Mafon, was according to intendment of said deed, and accordingly accepted by the court, as far as it concerned said Sheldon.	100	66
Oweneco further moved the court, to take care of the persons who had conveyances from him, <i>with the consent of said Major Mafon</i>		
Ordered upon Oweneco's motion, That Captain John Mafon be the trustee and guardian of Oweneco, and take care of him and his people, and have the management of all his affairs, as the ancestors of the said Mafon had done before him, as fully in all respects as any other trustee and guardian might or could do in the like case	101	67
Further time given by the court 1705, to the persons (who had taken deeds of Uncas, Oweneco, and Major Mafon in due form, for parcels of land within their larger hunting grounds) who had not attended the court to make out their titles, provided they gave into the clerk of the court a copy or abstract of their deeds and challenges thereon by a limited time	101 & 102	67

Captain

	MS.	Print.
Captain Ely of Lyme, one of the judges of the place, appearing in court, owned that he was chosen by the town of Lyme to appear for them, and had papers committed to him for that end, but that he did not make any plea because the government <i>forbid him so to do</i>	100	66
Robert Lord of Lyme, the same thing	ib.	ib.
27th August 1705. The judgment of the court upon the proceedings publicly read	101	67
Speeches and declarations of the Indians to the court thereupon	100 & 101	66 & 67
<i>Further complaints made by Oweneco, of disseisin of several parcels of land, the determination whereof the court adjourned to their next sessions, and in the mean time enjoined all persons from making entry or improvement upon the same until further bearing and determination thereof</i>	102	67
End of the Paper Book.		
Sir Henry Ashurst's petition of appeal to her late majesty Queen Anne against said judgment in behalf of the colony in the government's exhibits	236	153
8th January 1741. His late majesty's commission of review	2— 11	3— 9
4th May 1743. Five New-York commissioners published the commission at Greenwich in Connecticut	1	3
Directions of commissioners for summoning proper parties, and adjournment to Norwich	12	9
28th June 1743. Five commissioners met at Norwich according to adjournment	ib.	10
Court opened with proclamation for parties to appear	13	10
Summonses returned	16	12
Agents for the governor and company appeared with their powers	13— 16	10— 12
Ordered the judgment and proceedings before the commissioners in 1705, to be laid before the court	19	14
Lits of the several tenants of the said lands in question summoned, appearing, and defaulted	20— 27	14 — 19
Admission, by counsel for the governor and company, of Paper Book delivered by Mr. Bollen, counsel for the Indians, and the Massons their guardians, with saving, &c.	28	21
The Indians guardians answer to the terms of the admission	29 & 30	21
Reply of counsel for governor and company	30 & 31	21 & 22
Court's opinion thereon	32	23
4th July 1743. Mr. Smith, counsel for the governor and company, his motion that the chief Sachem of the Moheagan Indians might be called	105	69

	MS.	Print.
Mr. Bollen, counsel for the Indians and their guardians, his answer thereto		
Court's question to Mr. Smith thereupon, his answer, and the court's reply	105 & 106	
5th July. Mr. Smith's explanation of his answer		
5th July, A. M. Power of attorney from Ben Uncas and several Indians, to Mr. Smith, counsel for the governor and company, empowering him to appear in court for them, produced page 327	106 & 107	70
Smith's motion thereupon, which being opposed,		
Court's opinion thereupon		
Ditto P. M. Mr. Lee produced the like power from Ben, &c. and moved that it might be read, and he be admitted accordingly		
Mr. Bollen's opposition for the Indians and their guardians	107—111	70—73
Court ordered the instrument to be read, but reserved the further consideration of that point till the nature of this cause should be laid open		
6th July. Mr. Smith's motion that the only party against the government (if any be) might be ordered to set forth the cause to be reviewed more particularly, &c.	110	73
Court's opinion thereupon	111	73
Commissioner Colden's dissent therefrom	112	74
Defence of the governor and company	114	76
Indians answer to the defence	132	87
Reply of the governor and company	149	97
Rejoinder	150	98
Order of court, that the parties in giving in their evidence should prove all the facts by them respectively alleged, although not expressly denied by the opposite party, excepting only such facts as are expressly admitted	151	98
18th July 1743. Mr. Smith's second motion to have the chief Sachem called, and opinion of the court that it should be deferred	156	102
Further exception on behalf of the governor and company to the judgment, 1705	161	106
Answer thereto	179	117
20th July A. M. Mr. Lee renewed his motion of the 5th July to be admitted to appear for Ben Uncas, &c.	165	108
P. M. Ordered, that Ben Uncas then lay before the court what he had to offer	ib.	109
6th July 1743. Ben Uncas's declaration delivered in court	173	113
20th ditto. Ben Uncas's address and declaration delivered in court	166 & 167	109—113

*Exhibits before the commissioners in 1743, on behalf
of the Moheagan Indians.*

6th June 1659. Deed from Uncas, Oweneco, and Attawan- hood to the township of Norwich	363	239
13th May 1680. At a general court at Hartford the re- port of the committee appointed for composing differences between the English and Indians (inter alia) touching bound- aries of their lands, towards the end of the minute of the said court are these words:	331	215
The court orders, that what land is allowed or set apart for any parcels of Indians within the bounds of any plantation, shall be recorded to them and their heirs for ever, and it shall not be in the power of any Indian or Indians to make any alienations thereof. And whatsoever Englishman shall purchase any such lands laid out or allotted to the said Indians, he shall forfeit treble the value of what he so purchases to the public treasury, and the bargain shall be null and void.		
6th March 1683-4. Oweneco, Sachem of the Moheags, deed of settlement of the lands between New-London and Trad- ing-Cove brook (being called the Sequestered Lands) upon the Moheagan tribe	334	217
14th May 1685. Grant to the town of Lyme	338	220
24th September 1705. Grant to the town of Colchester.	336	219
21st October 1724. Deed poll from Major Ben Uncas, then chief Sachem (father of the present pretended Sachem Ben) and five of his council.		
Reciting,		
The deeds of 1659 and 1665 as a trust in Major Mafon, and his reconveyance to the tribe of certain lands therein described, and expressed to be inalienable, and in 1671, thence called Sequestered Lands; that the government approved of Major Mafon's being guardian to them dur- ing life, and of Samuel Mafon his son after his death; that the government, in the year 1660, provided that their lands should be <i>disposed and ordered</i> by said Mafon; and in the year 1692, for the more effectual securing their reserved and remaining lands, whereby they direct that none of the lands recorded to Oweneco, <i>should for the future be passed away without Captain Samuel Mafon's consent</i> :		

Further reciting,		
That after the decease of said Samuel Mafon, the commissioners in 1705, at the desire of Oweneco, ordered John Mafon, son-in-law to said Samuel, and grandson to Major John Mafon, to be trustee and guardian of the said Oweneco, and his people, as his ancestors were before him	329	213
The said Ben Uncas did, with the advice of his council, <i>renew</i> his choice of the afore said Captain Mafon to be their guardian and trustee.		
That such election, being laid before the general assembly, October 1723, they made an act, empowering said Captain Mafon to enter into the Mohegan fields [The sequestered lands.] With the Indians consent and good liking, there to build, reside, inhabit, and improve, &c.		
And said Ben Uncas, with the advice of his council, and consent of his people, declares said act and Captain Mafon's proceeding thereon, were with their full satisfaction and good liking. And it is thereby further declared to be their pressing desire, that Captain John Mafon their guardian appointed by the said court of commissioners might continue, and that the like power and trust might be invested in the Male heirs of his family.		
Chandler's map or survey of the Moheags country	342	226
22 nd July 1743. Chandler's deposition and cross examination.		
30 th May 1738. Chandler's deposition before the then commissioners.	354—356	232 & 233
1 st March 1738. Mohegan tribe's instrument of renunciation of Sachem Ben Uncas as their Sachem	334	218
Evidence concerning the Sachemship before the commissioners in 1738, agreed by the parties to be given in evidence, before the commissioners 1743, see minutes	156	102
John Aymes's ditto	356	234
Waterman and Hyde ditto	ib.	ib.
Thomas Rose's ditto	358	237
Joseph Tracey and Jabez Crocker's ditto	ib.	ib.
John Waterman's ditto	359	236
31 st May. Jonathan Barber's ditto	360	237
1 st June 1738. Thomas Stanton's ditto	361	ib.
Jonathan Barber's ditto	262	238
31 st May. John Morgan's ditto	ib.	ib.
6 th October 1742. The tribe's further renunciation of Ben Uncas	342	229
1 st June 1743. Indian instrument, declaring that John Uncas (according to the ancient constitution of the tribe) had a right to be chief Sachem; and that they made choice of a		

	MS.	Print.
council of Indians to be their agents and council, in behalf of the tribe, in all matters relating to their interest in <i>conjunction with their guardians</i> John and Samuel Maſon, and deſire they may be admitted as ſuch and act accordingly		
21ſt July 1743. Eliſha Tracey's depoſition and examination thereupon in court	345	226
John Waterman's — — —	346	226
Thomas Griſt's examination — — —	ib.	227
Cyrus Aſheconend's, an Indian chriſtian —	347	ib.
4th July 1743. Releaſe from Joſeph Bradford, the only ſurviving truſtee (to whom, inter alia, John Maſon had conveyed the <i>truſt</i> in the Indians lands, by releaſe in 1710 and 1714, in order to put an end to the controverſies and ſettle the contentions which had ariſen about them, with ſome exceptions and reſervations therein) to John and Samuel Maſon, in conſideration of 200l. — — —	340	222
See Maſon's releaſe among the government's exhibits	307	199

Admiſſions by the counſel for the governor and company
in favour of the Indians.

That the lands mentioned to be <i>paſſed</i> by Oweneco's deed, 6th March 1683-4, are the <i>ſame lands</i> deſcribed in the deed 9th May 1671, given by Major Maſon to Uncas, Oweneco, Attawanhood; and	159	104
That they are the <i>ſame lands</i> mentioned in Governor Dudley's decree to lie between New London and Norwich, eight miles in length, and four in breadth — — —	160	105
Concerning one large tract of hunting land adjudged by Governor Dudley, &c. to Oweneco — — —	162	106
That the <i>Lands</i> ſurveyed by Prents for Governor Winthrop and Mr. Saltonſtall, are <i>parcel</i> of the lands in Major Maſon's deed of 1671.	162 & 136	107
That Captain Samuel Maſon (mentioned in act of aſſembly 13th October 1692, in Paper Book [original, p. 38.] and who was grandfather to John and Samuel Maſon (mentioned in his majeſty's preſent commiſſion) died in March 1704-5 — — —	177	115
And that captain John Maſon (father of ſaid John and Samuel, mentioned in ſaid Paper Book, p. 86, 87) died in December 1737.		

Exhibits before the commissioners 1743, on behalf of
the governor and company of Connecticut.

Major Mafon's history of the Pequot war — — —	380	253
1638. Articles of government — — —	221	144
11th April 1639. Election of Haynes governor, and Ludlow deputy — — —	227	148
6th April 1640. Court of election, Hopkins governor, and Haynes deputy — — —	232	151
28th September 1640. Copy of record of Uncas's deed of gift to the governor and magistrates on Connecticut river, of all his lands that did belong, or of right ought to belong to him — — —	233	151
See Secretary Wyll's deposition and cross examina- tion hereon — — —	244 & 245	158 & 159
28th September 1640. Secretary Kimberly's copy of deed from Uncas — — —	243	157
11th March 1657. General court's orders upon Houghton's petition — — —	253	168
19th August 1658. { Uncas's deed of Massapeage to Rich- ard Houghton — — —	254	169
{ Uncas's description of the bounds of Massapeage — — —	255	170
17th May 1660. At a court of election John Winthrop go- vernor, Major Mafon deputy — — —	246	159
14th March D°. Hartford sessions D° — — —	247	160
20th May 1661. Uncas, Oweneco, and Attawanhood's deed of confirmation to Major Mafon — — —	247	160
23d April 1662. Colony charter — — —	249	161
20th May D°. Uncas's deed to Jeremy Adams. — — —	265	176
14th May 1663. Copy of general court's orders for grant of 500 acres to Major Mafon — — —	253	168
13th October 1664. Copy of an act or general court's order, allow- ing Major Mafon to take up the 500 acres in a particular place — — —	ib.	ib.
26th March 1683. Uncas's deed, to John and Daniel Stebbins — — —	263	175
9th June 1684. Oweneco's deed to Samuel Mafon of land in the Pequot country — — —	234	152
Reciting, that he had some years since declared himself well contented in what his father Uncas for some years past made over to the authority then in being, viz. Mr. John Haynes and William Hopkins, Esq; and other gentlemen then in authority, of all his right unto and of the Pequot country		
9th December 1686. Oweneco's deed to Daniel Mafon — — —	230	150
13th October 1698. Act to lay out Colchester township — — —	227	148
(d)		11th. May

	MS.	Print.
11th May 1699. Act to enlarge Colchester township	228	148
9th June 1699. Oweneco's deed to Nathaniel Foot of all Colchester	ib.	149
Vide Chandler's evidence 1743 — — —	354-356	232 & 233
Prentiss's De 1705 — — —	78	51
And Colchester patent among the Indians exhibits —	336	219
26th June 1702. Oweneco and Mahomet's deed to Haddam proprietors	257	171
13th May 1703. Act of assembly, ordering grant of the sequestered lands, as an addition to New London, and that the patents should be signed by deputy governor and secretary, in regard the governor was concerned therein	267	177
14th October 1704. New London patent accordingly, annexing the lands, called the Sequestered Lands, to that township, signed by deputy governor and secretary	268	278
18th July 1705. Cap. Minor's testimony	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle;">touching Oweneco's approbation for annexing sequestered lands to the township of New London, not allowed by the court as exhibit, but brought in by exception.</div> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">}</div> <div style="display: inline-block; vertical-align: middle;">274</div> </div>	181
20th Aug. John Gallup's ditto.		181
1705. Sir Henry Ashurst's petition of appeal, on behalf of Connecticut, to Queen Anne, against judgment, 1705	236	153
17th February 1709-10. Oweneco's deed to Samuel Bebee	260	173
10th May 1710. Oweneco and his council's deed to Major Livingston — — —	276	182
2d January 1710-11. By deed-poll, John Mafon, in consideration of 200 l. and other good causes,	307	199
<p><i>Especially being desirous to put an end to the great controversies and contentions about the lands conveyed to his grandfather the honourable John Mafon, Esq; by Uncas and Wawequa, by deed 1659. or any other conveyance from Uncas, Oweneco, or Attawanhood; also Sachem Joshua's since made to his said grandfather or to himself;</i></p> <p>Conveys to William Pitkin, Mr. Joseph Bradford, and five others, all his estate, &c. in the whole tract or tracts, or parcels of land, lying within the lands and territories formerly belonging to Uncas, or to Joshua or Oweneco his sons, as the bounds were returned by Treat and Talcot, the committee appointed by the governor and company of the colony, the bounds by</p>		

them

MS.

Print.

them returned and recorded 1684. [as in page 52 to 56 Book of Proceedings 1743.]

Excepting and reserving, q. v.

To hold (excepting as excepted) to them, their heirs and assigns respectively, to their own *proper use* and behoof for ever; and in *part*, according to *their best discretion*, to such *other uses*, as they shall think [or judge] advantageous to promote the *good issues* of any *controversies* respecting the above granted and mentioned premises.

Covenant from John Mason to deliver over to the above grantees within one year all the papers and instruments concerning the premises, and for further assurance.

N. B. As Mason was trustee for the tribe, no *equitable* interest could pass by this deed. However,

See Bradford the surviving trustee's release to John and Samuel Mason ————— } 340

30th May 1715. Caesar's deed to New London ————— } 281

9th October 1718. Act of assembly ————— } 285

222.

185.

187.

Reciting, that the commissioners appointed by the assembly to view the state of the Indians living at Moheagan, and of the land they lived upon, in order for the assembly's taking proper measures for civilizing them, and acquainting them with the truths of the gospel, had, in a report * by them made, together with a draught of the said lands, represented the number of Indians to be upwards of 200, and that the said land was sufficient for their comfortable subsistence.

That the said Indians had complained of several claims and entries made upon the said lands, and damage sustained by them in their fields, and prayed they would recommend them to the care and protection of said court.

The assembly appoint a committee to inspect thereinto, as also into the whole tract of land lying between the ancient bounds of New-London and Norwich, commonly called The Sequestered Lands.

And the committee are thereby empowered to do and act therein, for the removal of all forcible entries and detainers committed on said lands so sequestered, as justices of the peace might have done, by virtue of an act, intituled, "Forcible Entries," in the former law book, which is thereby revived for the special purpose of the present act, &c.

* This report was never produced.

The power of the committee to continue during pleasure:

And they are to be satisfied for their trouble in this affair *out of the profits of said lands.*

No report was appeared of any thing being done in pursuance of this act. But,

13th October 1720. Another act of assembly was passed, intituled, — — — — — 287

.An act for the encouragement of the settlement of a gospel minister in the north parish in New London, and for the *quiet settlement* of the lands there.

The assembly appoint a committee to endeavour a final settlement of the controversy respecting the lands in the said parish.

And if the committee, upon hearing the pleas and arguments of the parties, shall be able to settle the whole matter *by a composition*, then such agreement shall be brought to this assembly, for their confirmation or otherwise, as they shall see good.

But if upon the endeavours of the committee *no agreement can be gained from the parties*, then the committee are to *make a settlement of that whole affair*, and lay the same before the assembly for their confirmation.

No charge to arise *to the colony* by this act.

22d February 1720-1. The report of the committee in pursuance of the above act — — — — — } 288

N. B. They divide the Indian lands among the *English*.

And (in order to *christianise* the Indians) provide lands for a school-master and gospel minister in the north parish of New London.

11th May 1721. Act confirming the said report of the committee — — — — — } 299

13th June 1723. Major Ben Uncas his election and instalment to the Sachemship — — — — — } 310

10th October 1723. Act of assembly,

Reciting, that upon the petition of Captain John Mafon, the court, in consideration of the respect justly due to the name of his ancestors, and of the great trust the Mohegan Indians have had in them as they had then in him, &c.

The court impowers Captain Mafon, with the consent and good liking of the Indians, to reside among them [at Mohegan] and give him liberty to improve any part of the said land in building, ploughing, and pasturing } 301

And recommend to him the care of the Indians, to protect them from wrongs, and to set up a school *to christianise them* — — — — —

188

189

194

201

195

	MS.	Print.
10th October 1723. Act of assembly confirming Ben Uncas Sachem	312	203
14th November 1734. Ben Uncas, son of Ben Uncas, Sachem of Moheagan, his indenture of apprenticeship to a shoemaker	323	210
2d August 1737. Indian's recognition of Ben Uncas to be Sachem of Moheagan	324	210
28th February 1737-8. Ben Uncas, Sachem, and other Indians, general release to the governor and company of Connecticut of all suits, claims, and demands, with respect to the Moheagan territories, and all benefits of the judgment of 1705	301	196
10th May 1739. Act of assembly, upon Ben Uncas's application to have the bounds of his lands in Moheagan settled, appointing a committee to ascertain his bounds, and advise him in suing of persons that have settled on his lands, and to advise and assist him in leasing the same	327	212
[See act empowering John Mason to enter and reside thereon, &c.]	301	195
4th July 1743. Ben Uncas's power of attorney to William Smith to appear and act for him before the commissioners in 1743	327	212
1743. Deposition and cross-examination of secretary Wyllys in court, concerning the record of Uncas's deed 1740, to the governor and magistrates	244 & 245	158 & 159

Evidences delivered in court before the commissioners in 1738, touching the Sachemship of the tribe of Moheagans, agreed on both sides to be admitted as evidence before the commissioners in 1743.

Testimony of Samuel Leffingwell junior	313	203
Jeremiah Chapman jun. and cross-examination	314	204
Eliphalet Adams	315	205
Samuel Leffingwell	316	205
John Richards	316	206
John Curtis, and cross-examination	318 & 319	207 & 208
John Prents	319	208
Nathaniel Green	320	208 & 209
Lancaster Gorton, and cross-examination	321	209
Jonathan Wickwire, and cross-examination	321	209

Admissions made by the counsel for the Indians in favour
of the governor and company.

Major Mason's Brief History of the Pequot War, exhibited by the agents for the governor and company	151	98
That the <i>sequestered lands</i> are the <i>same lands</i> as are by act of assembly, 14th October 1704, added to the township of New London	100	100
That John Minor and John Gallup were dead, whose evi- dence was offered and rejected, but brought into proceed- ings by exception	154	100
Writing subscribed William Whiting, John Mason	156	102
That part of the lands in deeds from Oweneco to several per- sons, and all the lands in the deed from Uncas to John and Daniel Stebbins, lie in the bounds of Colchester, as stated by act of assembly 13th * May 1699; and that Oweneco's deed to Nathaniel Foot, 9th June 1699, contains the lands described by said act	158 & 159	104
Touching two exhibits to prove by similitude the hand-writ- ing of Thomas Stanton, signed as a witness to the deed 28th September 1640	164 & 165	108

Proceedings concerning the tenants of the lands in
controversy.

The protestation of John Bulkley, esq; (one of the agents for the governor and company) for himself and those tenants for whom he appeared as attorney; James Brown and James Harris, as attorneys for all others summoned, who had been called and appeared as tenants of land within the said colony	181	119
The Indians answer thereto	184	121
Said John Bulkley, as one of the possessors of lands sum- moned, and as attorney aforesaid; James Brown and James Harris, attorneys as aforesaid; their plea to the jurisdiction of the court	186	122
Indians demurrier thereto	190	125
Joinder in demurrier	191	125
Opinion of the court thereupon	192	126
Commissioner Horsfmanden's reasons delivered in court	ib.	ib.
Commissioner Colden's dissent therefrom	193	127
Plea and answer of the tenants	199	132

* Should be 11th May.

Ben Uncas's declaration delivered in court,

That James Harris, James Harris jun. Jonathan Harris, and Libæus Harris, did each of them hold land within that tract between the old bounds of New London and Norwich as tenants under him, as being chief Sachem of the Mohegan Indians. (Signed) 201

Benjamin Uncas, *Sachem*.

The Harris's acknowledged in court that they held by a lease from Ben Uncas part of the Sequestered Mohegan Lands, and *pretended to no other right or title* 133

Mr. Samuel Mafon informed the court,

That some time in April 1742, one Ben Uncas, with a certain committee of the general court of Connecticut, did execute a lease of that small tract of land which the Indians claimed as their right to improve, to one James Harris of New London for twenty years, who gave security to said Ben Uncas only for the rent, which the rest of the Indians had no benefit by, and therefore the Indians prayed relief 204

Ordered the lease to be produced

25th March 1742. The lease signed Ben Uncas, and Samuel Lynde, and John Richards, a committee appointed by the general assembly 205

ibid.

Exhibits on the part of the tenants.

Aug. 1658. (1.) Uncas's grant of Pomechange to James Rogers 379 251

10th March 1676. (2.) Grant from Uncas and Oweneco to Samuel Rogers 378 250

13th July 1691. (3.) Oweneco's grant to John Stanton 375 248

29th April 1693. (4.) Oweneco's deed to Samuel Rogers 368 242

11th Nov. 1698. (5.) Oweneco's grant to Theophilus Stanton 377 249

12th Nov. 1698. (6.) Oweneco's grant to Jonathan Rogers, son of Samuel Rogers 365 239

14th Nov. 1698. (7.) Oweneco's grant to Elizabeth Tonge 367 241

14th Jan. 1703. (8.) Oweneco's grant to Jonathan Hill — 366 240

3d April 1707. (9.) Oweneco's grant to John Plumb — 371 245

3d April 1707. (10.) Oweneco's deed to Jonathan Hill — 373 246

3d April 1707. (11.) Oweneco's confirmation to Charles Hill 374 247

11th Jan. 1709. (12.) Oweneco's grant to Robert Denison 369 243

Admission

Admission by Mr. Samuel Mafon, with regard to the tenants exhibits.

That the lands mentioned in the eight several deeds referred to in the minutes, lie within the eight miles and four miles [the Sequestered Lands] save only the one half of the contents of the last ———— 203 134
 N. B. They are otherwise placed here, being ranged according to their dates.

Admissions by the counsel for both parties.

That the depositions taken in court in 1738, touching the Sachemship of the Moheagan tribe, should be admitted in evidence as though taken in this court ———— 155 102
 That as to that part of Governor Dudley's decree concerning costs, the same was reversed by order of Queen Anne in council, 10th June 1706 ———— 179 & 180 118
 1st August 1743. Consent of counsel for governor and company, and the Indians, then to proceed and sum up and enforce the evidence by them respectively given, and debate such points of law and right as might arise ———— 196 129
 Saturday, 6th August 1743. The parties were all fully heard upon the merits, and by order of court proclamation was three times made for all manner of persons that had any further evidence to give in this cause to come forth and exhibit the same.
 Whereupon the parties declared they had no further evidence ———— 204 134
 Norwich, August 15th 1743. Commissioners Colden, Cortland, and Roiman, having concurred in one opinion upon the merits, delivered the same in court ———— 209 137
 Whereupon Commissioners Morris and Hofmanden declared their opinions in court *ore tenus*, upon some fundamental points, wherein they differed from the three commissioners, and reserved to themselves the liberty of entering their opinions upon the whole at their next meeting after their adjournment from that place ———— 214 & 215 141
 Ordered that the judgment of the court should be drawn up pursuant to the opinion of the majority of the commissioners ———— 217 142
 Norwich, 16th August 1743. Judgment thereupon ———— ib. 143
 Court adjourned ———— 219 144
 Norwalk, 25th October 1743. Commissioners met according to adjournment ———— 381 279
 26th October 1743. Commissioner Colden's declaration ———— 382 ib.

	MS.	Print.
The Mohegan Indians <i>appeal</i> from the said judgment —	382	280
The agents exception to the order of court for allowance of the said appeal	383	ib.
Commissioner Morris's apology for not having his opinion ready to deliver according to the liberty reserved to himself at Norwich, and for not staying at Norwalk to examine copies of the proceedings	ib.	ib.
Commissioner Horsfanden, pursuant to the liberty he had reserved of entering his opinion at large upon the merits at this meeting, delivered his opinion thereupon, so far as he had leisure to prepare the same, viz. down to the year 1692, which he had read in court, and desired that the same might be entered on the minutes, <i>which being objected to</i> by the agents for the governor and company, and the opinion of the court prayed, <i>it was resolved by a majority in the negative</i>	384	281
Mr. Horsfanden protested against the judgment, and declared that he would take the next opportunity of transmitting his opinion on the case to the lords commissioners for trade and plantations		



HIS MAJESTY'S COURT OF COMMISSIONERS,

Held at Greenwich in Connecticut, on the *fourth day of May 1743*, by virtue and in pursuance of his majesty's letters patent under the great seal of Great Britain, bearing date at Westminster the 8th day of January, in the fifteenth year of his reign, authorizing and empowering the persons therein named, to re-examine, review, finally decide, and determine the cause or controversy depending between the governor and company of the English colony of Connecticut in New England in America, and the Moheagan Indians.

P R E S E N T

The Honourable	{	Archibald Kennedy, James De-Lancey, Philip Cortlandt, Henry Lane, Daniel Horsmanden,	}	Esquires.
----------------	---	--------------------------------------------------------------------------------------------------	---	-----------

PROCLAMATION for silence whilst his majesty's commission was reading.

His majesty's commission under the great seal of Great Britain, read in the words following :

GEORGE the Second, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth;

To our trusty and well-beloved George Clark, Esq; our lieutenant governor of our province of New York in America, and to Cadwallader Colden, Abraham Vanhorn, Philip Livingston, Archibald Kennedy, James De-Lancey, Philip Cortlandt, Henry Lane, Daniel Horsmanden, and George Clark the younger, Esqrs. being members of our council in our said province, or to the governor and commander in chief, and the members

members of our council of said province for the time being; and to our trusty and well beloved Lewis Morris, Esq; our governor and commander in chief of our province of New Jersey in America, and to John Hamilton, John Wells, John Reading, James Alexander, Cornelius Van-Horn, William Provost, John Schuyler, John Rodman, Richard Smith, Robert Lettice Hooper, Robert Hunter Morris, and Fenwick Lyell, Esqrs. being members of our council in our said province, or to the governor and commander in chief, and the members of our council of the said province for the time being.

3 Whereas her late majesty queen Anne, by her majesty's commission under the great seal of England, bearing date *the nineteenth day of July one thousand seven hundred and four*, in the third year of her reign, therein reviving, that her majesty had been informed *that the principal Sachems of the Mobeagan Indians*, in her majesty's colony of Connecticut in New England, being chief proprietors of all the lands in those parts, *did, upon the first coming of the subjects of England to inhabit those parts, receive them in a friendly manner, and permitted them peaceably to plant and settle great part of their lands, which they granted to them for an inconsiderable value, reserving only to themselves a small parcel of lands to plant and hunt in.*

4 That the said Indians had ever since the coming of the English entertained and cultivated a firm friendship by leagues with the said English subjects of Connecticut, and had always assisted them when they had been attacked by their enemies.—*That in several treaties between the said Mobeagans and the said English subjects of Connecticut, it had been agreed that the said Indians should be protected in the possession of their said reserved lands.*—That contrary to the said treaties and to common justice, the government of Connecticut had passed an act or order in their general court or assembly, *by which they had taken from the said Indians that small tract of land, which those Indians had reserved to themselves, and were possessed of as aforesaid.*—That the said Indians had often made application to the government there; but instead of finding redress had been ill used, to their great discouragement; did authorize and appoint Joseph Dudley, Esq; then her said majesty's captain general and governor in chief of the province of the Massachusetts's Bay in New England in America, Thomas Povey, Esq; then her majesty's lieutenant governor of the said province, Edward Palmer, Esq; of New London, in Connecticut colony, in New England, Francis Brinley, Esq; of Rhode Island, Giles Silvester, Jahleel Brenton of Boston, in the Massachusetts's Bay, Esq; Nathanael Byfield of New Bristol, in the Massachusetts's Bay, Thomas Hooker of Hartford, in Connecticut, James Avery, John Avery, John Morgan of New London, and Thomas Lessingwell of Norwich, in Connecticut, gentlemen, or any five or more of them (the said governor or lieutenant governor of the Massachusetts's Bay always to be one) to be commissioners for examining and enquiring into the matter aforesaid; and also all such other injuries and violences that should be offered or done to the said Mohegan Indians, and for determining thereupon, as should seem just and reasonable: and did thereby grant to the said commissioners the several powers therein expressed, thereby commanding them, after having heard both parties, *to determine according to justice and equity*, and to restore the said Indians to their settlements, in case they had been unjustly dispossessed, or otherwise to take care they were continued therein.

And whereas the said commissioners, impowered as aforesaid, did, by virtue of their said commission, on the complaint of *Owaneco, Sachem of the Mohegan Indians*, examine and enquire into the matters aforesaid, and did thereupon give their judgment *in favour of the said Owaneco and Mohegan Indians*, against the governor and company of the colony of Connecticut.

And whereas the said governor and company of the colony of Connecticut did complain to her said late majesty queen Anne, that they apprehended themselves to be oppressed and injured by the said judgment, and that the same was unjust; and therefore most humbly prayed her said late majesty, that she would provide a remedy for them therein.

And whereas her said late majesty did, out of her princely care and regard to the said petition, by her order in council, *bearing date the fifth day of February, in the fifth year of her reign*, direct a commission of review of the said cause to certain commissioners therein named to be passed.

And whereas the said commissioners did not (as appears) review or finally hear and determine the said cause; by reason of which, differences have arose and do arise between the Mohegan Indians and our said colony of Connecticut,

And whereas we, by our commission under our great seal of Great Britain, bearing date the *third day of June one thousand seven hundred and thirty seven*, and reciting to the effect as is herein before recited, being, out of our princely care and regard for our said subjects, willing and desirous that *justice* should be done between them and the said Indians, and to the end that a final determination should be put to the said controversy, and that the said sentence of the said commissioners might be reviewed and examined, did authorize and appoint our trusty and well-beloved George Clark, Esq; our lieutenant governor of our province of New York in America, and Francis Harrison, Cadwallader Colden, Abraham Van-Horn, Philip Livingston, Archibald Kennedy, James De-Lancy, Philip Cortlandt, Henry Lane, and Daniel Horsmanden, Esqrs. then members of our council in our said province of New York, and our governor and the members of our council of the said province for the time being, and the governor and the assistants in the province of Rhode Island in America for the time being, *or any five or more of them*, to re-examine, review, finally decide, and determine the whole cause aforesaid, in which the said former commissioners gave their judgment in manner as aforesaid, with all its incidents, emergencies, and dependencies whatsoever; and did thereby grant to our said commissioners the several powers therein expressed, thereby commanding them, after having summoned the said governor and company of the colony of Connecticut, and the chief Sachem of the Mohegan Indians, and all parties of right to be summoned therein, to admit any new allegations, or matters and instruments, writings and proofs on oath, as well on the part of the said governor and company of the said colony of Connecticut, as of the said chief Sachem and of the Mohegan Indians, to be proposed, exhibited, or made, relating to the merits and circumstances of the said principal cause; and to examine and review, with all expedition, all and singular allegations, proofs, decrees, and sentences, and the whole process before the said first commissioners had and made, or which before them should be made.—And having heard all allegations and proofs in
5
B
this

- 6 this cause, made or to be made, to decree what was just and right therein ; and by their definitive decree to determine the said cause and strife, and to revoke, repeal, and make void the said definitive decree in writing by the said first commissioners declared and published as aforesaid, or otherwise to confirm the same, in whole or in part, as to them *shall seem just and right, and as the nature of the cause and justice should require ; and to take care, that whilst the said cause of this suit, re-examination, and review was depending before them, that nothing should be attempted, or caused to be attempted, to the prejudice of the said governor and company of the colony of Connecticut, or the said Mohegan Indians ; and that whatsoever they should decree in the premises, or any of them, they should cause, by the legal remedies and methods of the law, to be put in execution.*

And whereas we have been informed, by the humble petition of our trusty and well-beloved John Mafon and Samuel Mafon, of New London in Connecticut aforesaid, for and on behalf of the said Indians, presented to us in our privy council, that our said last commission being issued and carried over, two of the council in New York, together with the governor of Rhode Island and six of his assistants, opened and published the same ; *but that the said governor and his assistants not suffering the determination of the former commissioners to be read (which determination they were required by the commission to review and examine) and the two counsellors from New York having insisted on the same, as also on other material points, which were all of them over-ruled by the said governor and assistants of Rhode Island, the said New York counsellors protested against their proceedings, and then withdrew :* after which the said Rhode Island commissioners proceeded to reverse the determination of the former commissioners, except only as to one field, called the Mohegan Field, which they declared to be the property of the Sachem and tribe of the Mohegan Indian ; and therefore the said petitioners humbly besought us, in regard to
7 the extraordinary proceedings of the said Rhode Island commissioners, to grant such relief to the said tribe as to us should seem meet.

And whereas the said Rhode Island commissioners made a return to us, in our privy council, of their proceedings under our said commission.

And whereas, by our several orders made in our privy council, the said petition from the said John and Samuel Mafon, and the said return made by the governor and assistants of Rhode Island, were severally referred to the consideration of the lords of the committee of our privy council for plantation affairs.

And whereas the said lords of the committee thought proper to refer both the same to our lords commissioners for trade and plantations to examine into the allegations of the said petition, and also into the said return, and to report a state of the case as it should appear to them upon such examination, together with what they should conceive proper to be done thereupon.

And whereas the said lords commissioners made their report to the said committee that they had been attended by council in behalf of Mr. Mafon and the Mohegan Indians, *and also in behalf of the governor and company of Connecticut ;* that they had heard what each side had to offer in regard to the said complaint, and had considered
3

dered the return made to our said commission; that it appeared to our said lords commissioners for trade and plantations, that our last commission was executed by two commissioners from New York, and seven from Rhode Island, who met and entered upon business *the twenty-fourth day of May one thousand seven hundred and thirty-eight* at Norwich town; that our said commission, being a commission of review, the former proceedings and judgment *ought to have been examined by the commissioners; but that it did not appear by the return that the said judgment was ever taken into consideration, or even read, by the court; that the said commissioners refused to bear the Indians in their own behalf, whom they had summoned, and who were present in court and desired to be heard, and likewise refused to bear Mr. Mason, who is guardian to the said Indians, without whose consent, as it is alledged, the Indians could not alienate their lands, the legal property thereof being vested in the said Mason's family as their trustee; that our commissioners from New York, being dissatisfied with these proceedings, filed their protest against them and withdrew; and that after the withdrawing of our said commissioners from New York, those of Rhode Island proceeded without them, and declared one Ben Uncas to be the chief Sachem of the said Indians (of whose right the said lords commissioners for trade did not think themselves competent judges) after which two deeds were produced, signed by the said Ben Uncas and a part of his tribe, one dated the twenty-eighth of February one thousand seven hundred and thirty-seven, and the other the twenty-fourth of April one thousand seven hundred and thirty-eight, both of them subsequent in date to our said commission; whereby the said Ben Uncas and a part of his tribe released and quitted claim to the government of Connecticut, not only all the lands in question, but likewise all the right accruing to them from the judgment given in their favour by governor Dudley, and the other commissioners joined with him in the said former commission, dated the nineteenth of July one thousand seven hundred and four; whereupon the said commissioners from Rhode Island took upon them to repeal the said judgment respecting the lands in controversy, with exception only to a certain tract at present in possession of the Mohegan Indians; and therefore our said lords commissioners for trade and plantations were of opinion, *that the proceedings in the execution of our said commission had been very irregular, and submitted whether we should not be advised to grant a new commission of review upon this occasion.**

And whereas the lords of the committee of our privy council took the whole matter into their consideration also, and made their report to the lords justices of our kingdom of Great Britain in our privy council of their opinion, that the proceedings of said Rhode Island commissioners under our commission, issued in one thousand seven hundred and thirty-seven, *were very irregular, and ought to be set aside; and that a new commission of review should be passed under the great seal to re-examine, review, and determine the cause aforesaid.*

And whereas our said lords justices, *on the thirty-first day of July one thousand seven hundred and forty,* took the said report into their consideration, and with the advice of our said privy council approved thereof, and did order that the proceedings of the said Rhode Island commissioners, under our commission of review, issued in one thousand seven hundred and thirty-seven, *should be, and they were thereby set aside,* and that a new commission of review should be passed under our great seal to re-examine, review, and determine the cause aforesaid.

We therefore, out of our princely care and regard for our said subjects, being willing and desirous that justice should be done between them and the said Indians, and to the end that a final determination may be put to the said controversy, and that the said sentence of the said commissioners, under the said commission in one thousand seven hundred and four, may be reviewed and examined, do hereby authorize and appoint you, *or any five or more of you*, to re-examine, review, finally decide and determine the whole cause aforesaid, in which the said first commissioners gave their judgment in manner as aforesaid, with all its incidents, emergencies, and dependencies whatsoever.

10 And our will and pleasure therefore is, that you repair, by the first convenient opportunity, and from time to time, as occasion shall require, into our said colony of Connecticut, and that you, *or any five or more of you as aforesaid* (summoning first before you the said governor and company of the colony of Connecticut, and the chief Sachem of the Mohegan Indians, and all parties of right to be summoned therein) do admit any new allegations, or matters and instruments, writings and proofs on oath, as well on the part of the said governor and company of the said colony of Connecticut, as of the said Sachem and of the Mohegan Indians, to be proposed, exhibited, or made relating to the merits and circumstances of the said principal cause; and that you examine and review, with all expedition, all and singular allegations, proofs, decrees, and sentences, and the whole process before the said first commissioners had and made, or which before you shall be made, and having heard all allegations in this cause, made or to be made, ye decree what is right and just therein; and by your decree determine the said cause and strife, and revoke, repeal, and make void the said definitive decree in writing by the said first commissioners declared and published, or otherwise confirm the same, in whole or in part, as to you shall seem just and right, and as the nature of the cause and justice shall require; the said commission in one thousand seven hundred and four to the commissioners therein named granted as aforesaid, and the said decree by them declared and published, and the said commission in one thousand seven hundred and thirty seven to the commissioners therein named granted as aforesaid, and the proceedings of them, or any of them thereon, or any other matter, cause, or thing whatsoever to the contrary thereof published and declared notwithstanding; and you are to take care that, *whilst the cause of this suit, re-examination, and review is depending before you, nothing be attempted, or caused to be attempted, to the prejudice of the said governor and company of the colony of Connecticut, or the said Mohegan Indians*; and whatsoever you shall decree in the premises, or any of them, you cause, by the legal remedies and methods of the law, to be put in execution.

11 And our further will and pleasure is, that when you shall have made your determination, and signed the same, a copy thereof shall be sent to the said governor and company of our colony of Connecticut, or to their public secretary for the time being, and also another copy thereof to the said Mohegan Indians and their said guardian, with notice of another meeting to be held by you at the distance of three months, or such shorter time as you shall think reasonable; at which further meeting, any parties who shall find themselves aggrieved, *may enter their appeal to us in our privy council*, with a declaration what parts of the determination of you the said commissioners they abide by or appeal from; but if none of the parties do then enter before you

you their appeal, or exception against your determination at such last meeting, our will is, that then and in such case no appeal, exception, or further commission of review shall be afterwards received, admitted, or granted; and such determination of you our said commissioners, being confirmed by us, shall be final and conclusive to all parties.

And lastly, it is our will that the said governor and company of the colony of Connecticut and their agents, and likewise the said Moheagan Indians and their said guardian, be permitted to take out, at their own respective expence, copies of the whole proceedings in this affair, to be attested by three or more of you our commissioners; and that a compleat copy of your whole proceedings, with all your resolutions and determinations thereon, and of all papers, evidences, and writings received in the course of the affair, be made up and signed by three or more of you our commissioners, and be with all convenient expedition, after your determination, transmitted to our lords commissioners for trade and plantations.

In witness whereof we have caused these our letters to be made patent, witness ourself at Westminster, the eighth day of January.

By writ of privy seal.

B I S S E.

Daniel Huntington of Norwich, in the county of New London, was appointed clerk to the court of commissioners at the instance of Mr. Samuel Mafon, and an oath administered to him for the due execution of his office.

12

Ordered, That the governor and company of Connecticut have also leave to nominate a clerk at the next meeting of the commissioners.

Ordered, That the governor and company of Connecticut be summoned to appear before the commissioners on Tuesday the 28th day of June next, at Norwich in Connecticut.

Ordered, That the chief Sachem and principal heads of the tribe of the Moheagan Indians be summoned to appear before the commissioners at the time and place aforesaid.

Ordered, That the tenants in possession of the lands in controversy, be summoned to appear before the commissioners at the same time and place.

Ordered, That the clerk or clerks to the commissioners do issue subpoenas for witnesses, upon application of any of the parties, signed with his or their own name or names, by order of the commissioners.

This court is adjourned till the twenty-eighth day of June next to the courthouse in Norwich in Connecticut.

Daniel Huntington, clerk of the court of the commissioners.

C

Tuesday,

Tuesday, June 28th 1743, at the Court-House in Norwich.

P R E S E N T

The honourable	{ Cadwallader Colden, president, Philip Cortlandt, Daniel Horfmanden, John Rodman, Robert Hunter Morris,	} Esqrs. commissioners.
----------------	----------------------------------------------------------------------------------------------------------------------	-------------------------

13

The court opened by proclamation as followeth, viz.

Oyez :

All manner of persons that have any thing to do before this his majesty's court of commissioners, appointed to re-examine, review, finally decide, and determine the cause or controversy depending between the governor and company of the colony of Connecticut and the Mohegan Indians, let them draw near and give their attendance, and they shall be heard.

GOD save the KING.

The court adjourned till to-morrow at three of the clock in the afternoon to the meeting-house in Norwich.

Wednesday, June 29th.

Present the same commissioners.

Court opened according to adjournment.

Joseph Tracy jun^r. called to return the several summonses to him directed.

John Hutchens called to return the summons to him directed.

Joseph Tracy jun^r. returned, that, in obedience to the process of this court to him directed, he had summoned the honourable Jonathan Law, Esq; governor of the colony of Connecticut, and had left a true copy of the summons with George Wyllys, secretary of the said colony.

Ordered, That the governor and company of the colony of Connecticut be called.

The governor and company of the colony of Connecticut called.

Whereupon Mr. Smith, of council with the governor and company, delivered into court, and prayed the following papers under the seal of the colony might be read.

A

Which

Which were read as followeth, viz:

Jonathan Law, Esq; governor of his majesty's colony of Connecticut in New England. 14

(L. S.) To all whom it may concern, by these presents doth certify and declare, That George Wyllys, who hath attested the copy of record hereunto annexed, now is secretary of the colony of Connecticut aforesaid, duly elected and sworn to that office and trust, by whom copies from the records of said colony are usually made out and attested, and that entire good faith and credit ought to be rendered and given by all persons to his attestation in the premises, both in court and without.

In testimony whereof the publick seal of the said colony is hereunto affixed. Given under my hand in Hartford, in said colony, this 27th day of May, anno regni regis Georgii 2di. Magnæ Britannæ, &c. 1610. annoque Dom. 1743.

J. L A W.

Anno regni regis Georgii 2di. 1610

At a general assembly holden at Hartford, in his majesty's English colony of Connecticut in New England in America, on Thursday the twelfth day of May, anno Dom. 1743.

This assembly do hereby nominate, constitute, authorize, and appoint the honour-able Roger Wolcott, Esq; James Wadsworth, Thomas Fitch, John Bulkley, and Joseph Fowler, Esqrs. or any three of them, agents for the governor and company of his majesty's English colony of Connecticut in New England, and in their name to appear before any of his majesty's commissioners, by his majesty commissioned to review, hear, and determine a complaint formerly made by Oweneco, Sachem of Moheagan, and judgment given thereon by Joseph Dudley, Esq; and others; and them the constituents to represent, and in their name and behalf to answer, plead, implead, prosecute, defend, and appeal to his majesty in council, if need be, from the judgment given thereon; and an attorney or attornies, under them, to make, substitute, and improve for the purpose aforesaid: and that the said agents may have a more ample evidence of their appointment, this assembly desire and empower the honourable the governor of this colony, in the name of the governor and company aforesaid, under the public seal of this colony, to grant unto the said agents a public instrument of procuration accordingly.

A true copy of record.

Test, George Wyllys, secretary.

This public instrument of procuration or letter of attorney witnesseth,

That we, the governor and company of his majesty's English colony of Connecticut in New England in America, have nominated, constituted, appointed, and attorney fully from the

governor
and com-
pany to
the said
agents.

fully impowered, and by these presents do nominate, constitute, appoint, and fully impower, our trusty and well-beloved friends Roger Wolcott, Esq; James Wadsworth, Esq; Thomas Fitch, Esq; John Bulkley, Esq; and Joseph Fowler, Esq; all of said colony, or any three of them, to be our true and lawful agents or attorneys, in our name, place, and stead to appear before any court, judge or judges, and especially before his majesty's court of commissioners appointed by his majesty's commission under the great seal of England, dated the eighth day of January in the fifteenth year of his reign, to re-examine, review, and determine a cause or controversy between the said governor and company, and the Sachem and people of the Mohegan Indians, to plead, implead, prosecute, and defend, and to act, transact, and do in every matter and thing, as the case shall or may require; and to appeal from the judgment of the said commissioners (on said controversy to be given) to his majesty in council, for a final determination thereof; and to do, act, and perform every thing needful thereunto; hereby giving and granting to our said agents or attorneys full power and authority under them one or more attorney to substitute, and them again at pleasure to revoke, ratifying for firm and stable whatsoever our said agents shall do or cause to be done in the premises.

16

(L. S.) Sealed with our seal, dated in Hartford in said colony, the 27th day of May, anno regni regis Georgii 2di, Magnae Britanniae, &c. 16to. anno Dom. 1743.

J. Law, governor.
George Wyllys, secretary.

Ordered, That the appearance of the said Roger Wolcott, James Wadsworth, Thomas Fitch, John Bulkley, and Joseph Fowler, Esqrs. be entered for the said governor and company.

Mr. Daniel Edwards, on the motion of Mr. Smith, appointed one of the clerks of this court, and an oath administered to him for the due execution of his office.

John Hutchens, in obedience to process of this court to him directed, made the following return, viz.

June the 2d, 1743.

Then, by virtue of the within summons, and in pursuance to the same, I repaired to *Mohagan, the head quarters of the Mohegan Indians*, to a place called *John's Town*, where I found and summoned old John Uncas, old Wemuscum, Jo Ashpo, Tom Peter Saux, Jo Cooper, Daniel Cooper, old Saux, old Junco, Jo Weebux, Bumbauzoo, Weequor, Chequibe, Cato Johnson, Jonas, John Cewanocset, Sam Saux, Solomon Cauchegun, young John Uncas, David Shantup, Abram George, Cyrus Afcennd, Isaac Sunfemoon, young John Nanapoom, Moses Shantup, John Cooper junior, John Ashpo junior, young Jo Ashpo, Sam Cooper, Jacob Horfcoat, James Robbin, John Noneluch, Uteefin, John Cooper. Totoo, David Noneluch, David Squantup, Joshua Noneluch, Philip Cuth, Ben Tuphyn, John Sque-titown, John Cheehunc, Simon Quacheech, Ephraim Soonfamon, Peter Toby, Neneefcoomp, Jo Cooper, John Johnson, young Daniel Cooper, old John Nanapoom, Obadiah Tanna, Jo Tanna, Solomon Cooper, John Robbin, and Oweneco, who informed me they belonged to the Mohegan Indians, and had right to the

17

land

land in controversy, mentioned in the within summons; and upon enquiry for the chief Sachem and principal heads, they informed me old John Uncas afore said, *was of right their Sachem*; and also informed me that young John Uncas, Cato Johnson, Jo Ashpo, Jo Weebux, Jo Cooper, Daniel Cooper, Weequot, Chequibe, Solomon Cauchecgun, Cyrus Afcenend, and young John Nanapoom above-mentioned, *were the principal heads of the said tribe.*

I likewise, on said second day of June instant, repaired to a place in said *Mobegan*, called *Ben's Town*, where I found and summoned old Ben Uncas, Ben Uncas junior, John Uncas Twin, Caleb Clark, Simon Chauchau, Sam Pie, George Quaquequid, Sampson Aufom, who informed me they belonged to the tribe of Indians afore said, and had right to the controverted land afore said; and answered, upon enquiry, that Ben Uncas afore said was *their* chief Sachem, and *some* said Simon Chauchau was one of their principal heads.

I also, on the sixth day of said June instant, repaired again to said *Ben's Town*, where I then summoned Wampanagee, Pechæ, Henry Quaquequid, Jo Pie, Ephraim Johnson, Zachariah Johnson, John Buel, John George, Moses Moseen, Sam Uncas Twin, Joshua Uncas, John Johnson, John Wampanagee and Simon Toby, who informed me that old Ben Uncas, above said, was their chief Sachem; and said Joshua Uncas, Sam Uncas Twin, John Wampanagee, Simon Chauchau, Sam Pie, Sampson Aufom. Jo Pie, John Uncas Twin, Ephraim Johnson, and Zachariah Johnson were the principal heads of said Indians.

And also, since the afore said sixth day of June, to the twenty-second day of said June, I have summoned at several times, the Indians hereafter mentioned Charles Chauchau, Noah Chauchau, Little George, John Ashpo, Daniel Nimrod, Sam Ashpo, Tom Quack, Simon Chuckheeg, Ned Chuckheeg, George Museen, Simon Jones, Nesotanno, Tom Queejuck, Ammon Garret, John Hansomer, Philip Tatapan, Peter Tantowantocot, Ben Mooch, Edward Jones, George Meice, Sam Chauchau, Job Noonno, *who all declared they belonged to the tribe of said Mobegan Indians*, and had right to the said land in controversy; and also declared *old John Uncas afore said, to be of right Sachem of the said Mobegan Indians.* 18

Dated in Norwich, June 28th, A. D. 1743.

per me John Hutchens.

Norwich, } John Hutchens, within named, maketh oath on the Holy Evangelists of
 ff. } Almighty God, that the contents of the within return are true, and
 further saith not.

John Hutchens.

Ordered, That all those Indians, who by the above return are certified to be acknowledged by the Mohegan Indians, or any part of them, as their chief Sachems and principal heads, be called.

And being called, the following appeared ; viz.

Old John Uncas	Solomon Caucheeun,	
Young John Uncas	{ Jo Ashpo	} being called, were declared by some Indians present to be sick.
Cato Johnson	{ Cyrus Asconend,	
Jo Weebux	{ Young John Nanapoom,	
Jo Cooper		
Daniel Cooper		
Weequot		
Chequibe		
19 Old Ben Uncas		
Simon Chauchau		
Joshua Uncas		
Sam Uncas Twin		
John Wampanage		
Sam Pie		
John Uncas Twin		
Ephraim Johnson		
Zachariah Johnson		
Simon Aucom		
Jo Pie		

Ordered, That the judgment pronounced by the commissioners in the year 1705, in favour of Owaneco (Sachem of the Moheagan Indians) and the Moheagan Indians, against the governor and company of the colony of Connecticut, and all and singular the allegations, proofs, and whole process before the said commissioners had and made, whereon the said judgment was founded, be laid before this court.

Whereupon Mr. Bollen, of council for the Moheagan Indians, said, that it was the duty of the said governor and company to produce and lay before this court the said judgment and proceedings ; and the said governor and company having, by their council, denied that it was their duty to produce the same, the said council for the Moheagan Indians thereupon said, that to expedite the review of the cause aforesaid, they would produce *authentic copies* of the said judgment, and all the proceedings whereon the same was founded, *which could be by them obtained* ; and then produced, and offered to the court, a paper book in writing of eighty-eight pages, as containing the same, together with the certificate of Jonathan Belcher, Esq; under the seal of the province of the Massachusetts's Bay, and a copy of the commission issued by her majesty queen Anne, and the certificate of Samuel Tyley, notary public, under the seal of his office, to said eighty-eight pages prefixed.

Ordered, on motion of Mr. Smith, That the agents for the said governor and company have leave to inspect the same, before it be admitted as evidence.

Court adjourned till nine o'clock to-morrow morning.

Thursday, 30th June 1743.

Present as above.

Court opened.

THE following persons returned by Joseph Tracy junior, summoned *as possessors of lands in controversy* in the north parish of *New London*, called.

1.	George Richards, Esq;	—	appeared.		
2.	Samuel Leffingwell junior	—	ap.		
3.	William Whiting	—	ap.		
4.	James Harris	—	ap.		
5.	John Noble	—	ap.		
6.	Thomas Collet	—	ap.		
7.	{ Samuel Fox	—	ap.		
	{ Ezekiel Fox	—	—	—	defaulted.
8.	Abner Avery	—	ap.		
9.	Robert Denison	—	ap.		
10.	George Lefavours	—	ap.		
11.	David Jewet	—	ap.		
12.	{ Isaac Hammond	—	ap.		
	{ Noah Hammond	—	ap.		
13.	John Copp	—	ap.		
14.	Thomas Minor	—	—	—	defaulted.
15.	Samuel Copp	—	ap.		
16.	Jonathan Harris	—	ap.		
17.	William Minor.	—	ap.		
18.	Labeus Harris	—	ap.	per James Harris	21
19.	James Harris jun.	—	ap.		
20.	David Copp	—	ap.		
21.	Jonathan Copp	—	ap.		
22.	{ Jafon Allen	—	ap.		
	{ Samuel Allen	—	ap.	per Jafon Allen.	
23.	George Minor	—	ap.	per James Brown.	
24.	Christopher Darrow	—	ap.	per James Brown.	
25.	John Minor	—	ap.	per James Brown.	
26.	Joseph Atwell	—	ap.		
27.	Robert Chapman	—	ap.	per James Brown.	
28.	Joshua Baker	—	ap.		
29.	James Baker	—	ap.		
30.	James Otis	—	ap.	per James Harris.	
31.	Daniel Rogers	—	ap.		
	{ John Richards jun.	—	ap.		
32.	{ Daniel Brown	—	ap.		
	{ George Richards jun.	—	ap.		

33. Peter

	33.	Peter Botton	—	—	appeared.
	34.	Isaac Thompson	—	—	ap.
	35.	Joseph Otis jun.	—	—	ap. per James Harris
	36.	Joshua Raymond, Esq;	—	—	ap.
	37.	Philip Malfey	—	—	ap.
	38.	Gilbert Liley	—	—	ap.
	39.	Joseph Otis, Esq;	—	—	ap.
	40.	Ebenezer Rogers	—	—	ap. per James Harris.
	41.	Samuel Avery	—	—	ap.
	42.	William Vebber	—	—	ap.
	43.	John Vebber	—	—	ap.
	44.	William Cafeaddin	—	—	ap.
22	45.	Stephen Maples	—	—	ap.
	46.	{ George Hill	—	—	ap.
		{ John Hill	—	—	defaulted.
	47.	Peter Wickwere	—	—	ap.
	48.	Abraham Avery	—	—	ap.
	49.	Perigrine Gardener	—	—	ap.
	50.	Israel Dodge	—	—	ap.
	51.	{ Gideon Baker	—	—	ap. per James Harris.
		{ Eleazer Chappel	—	—	ap.
	52.	John Vebber jun.	—	—	ap.
	53.	Stephen Gardiner	—	—	ap.
	54.	Daniel Johnson	—	—	ap.
		{ Joseph Bradford jun.	—	—	ap.
	55.	{ Adonijah Fitch	—	—	ap.
		{ Daniel Fitch	—	—	ap.

Court adjourned until four o'clock afternoon.

Court opened according to adjournment.

Present as above.

THE following persons returned by the officer, summoned as possessors of lands in controversy within the township of *Colebeester*, called, viz.

	N ^o . 1.	Daniel Worthington	—	—	appeared, per John Bulkley, Esq;
	2.	Jonathan Kilburn	—	—	ap. per eundem.
		{ Josiah Rockwell	—	—	ap.
	3.	{ Isaac Jones	—	—	ap. per eundem.
		{ William Harris	—	—	ap. per eundem.
		{ Jonathan Daniels	—	—	ap. per eundem.
	4.	Stephen Gardiner	—	—	ap. per James Brown.
23	5.	{ John Chapman	—	—	ap. per John Bulkley, Esq;
		{ Joseph Pumroy	—	—	ap. per eundem.

6, Noah

6.	Noah Wells	—	—	appeared, per John Bulkley, Esq;
7.	John Bulkley, Esq;	—	—	ap. per eundem.
8.	Jacob Loomis	—	—	ap. per eundem.
	Broadhurst Bacon	—	—	ap.
	David Dodge	—	—	ap. per John Bulkley, Esq;
	Simon Tubbs	—	—	ap. per eundem.
9.	Thomas Guftin	—	—	ap. per eundem.
	Ichabod Wickwere	—	—	ap. per eundem.
	Samuel Tozer	—	—	ap. per eundem.
	Charles Bulkley	—	—	ap. per eundem.
	Iabez Jones	—	—	ap. per eundem.
	James Jones	—	—	ap. per eundem.
10.	Israel Newton	—	—	ap. per eundem.
	Robert Ranfom	—	—	ap. per eundem.
	James Newton	—	—	ap. per eundem.
	Samuel Brown	—	—	ap. per eundem.
11.	Daniel Chapman	—	—	ap. per eundem.
	John Kellogg	—	—	ap. per eundem.
	Joshua Jones	—	—	ap. per eundem.
12.	Clement Daniels	—	—	ap. per eundem.
	Samuel Dodge	—	—	ap. per eundem.
13.	John Clark	—	—	ap. per eundem.
14.	Oliver Bulkley	—	—	ap. per eundem.
15.	David Johnson	—	—	ap. per eundem.
16.	Roger Clark	—	—	defaulted.
17.	John Johnson	—	—	ap. per eundem.
18.	Benjamin Rothbone	—	—	ap. per eundem.
	William Dickson	—	—	ap. per eundem.
19.	Jonas Hamiton	—	—	ap. per eundem.
	George Dolbeare	—	—	ap. per eundem.
20.	Benjamin Thompson	—	—	ap. per eundem.
21.	Ephraim Foot	—	—	ap. per eundem.
22.	John Roberts	—	—	ap. per eundem.
	John Waters	—	—	ap.
23.	Ebenezer Day	—	—	ap. per John Bulkley, Esq;
24.	Elisba Pratt	—	—	ap. per eundem.
25.	James Mun	—	—	ap. per eundem.
26.	Daniel Foot	—	—	ap. per eundem.
27.	Alex. Clark	—	—	defaulted.
28.	Dudley Wright	—	—	ap. per eundem.
29.	Ephraim Little	—	—	ap. per eundem.
30.	Daniel Clark	—	—	ap. per eundem.
31.	John Smith	—	—	ap. per eundem.
32.	Mark Roberts	—	—	ap. per eundem.
33.	Jonathan Wells	—	—	ap. per eundem.
34.	Eliakim Hitchcock	—	—	ap. per eundem.
35.	John Hitchcock	—	—	ap. per eundem.
36.	Samuel Rogers	—	—	ap. per eundem.

	37. Josiah Foot junior	_____	appeared, per John Bulkley, Esq,	
	38. James Treadway	_____	ap. per eundem.	
	39. { Josiah Gates	_____	ap. per eundem.	
	{ Joseph Sweet	_____	ap. per eundem.	
	40. Nathaniel Williams	_____	defaulted.	
	41. Deliverance Waters	_____	ap. per eundem.	
	42. Elijah Worthington	_____	ap. per eundem.	
	43. William Worthington	_____	ap. per eundem.	
	{ John Holms	_____	ap. per eundem.	
	44. { George Holms	_____	ap. per eundem.	
	{ Ichabod Randal	_____	ap. per eundem.	
	45. Ebenezer Palmeter	_____	ap. per eundem.	
	46. { Peter Bulkley	_____	ap. per eundem.	
	{ John Holmes jun.	_____	ap. per eundem.	
	47. Samuel Loomis jun.	_____	ap. per eundem.	
25	48. Joseph Foot	_____	ap. per eundem.	
	49. Benjamin Quiterfield	_____	ap. per eundem.	
	50. James Mun jun.	_____	ap. per eundem.	
	51. Samuel Loomis	_____	ap. per eundem.	
	52. Daniel Clark jun.	_____	ap. per eundem.	
	53. Nathaniel Otis	_____	ap. per eundem.	
	54. Jonathan Kilburn jun.	_____	ap. per eundem.	
	55. Noah Pumroy	_____	ap. per eundem.	
	56. Nathanael Kellogg	_____	ap. per eundem.	
	57. John Wells	_____	ap. per eundem.	
	58. Joseph Wright	_____	ap. per eundem.	
	59. Joseph Chamberlain	_____	defaulted.	
	60. Ichabod Lord	_____	ap. per eundem.	
	61. Philip Coverly	_____	ap. per eundem.	
	62. Nathanael Foot, Esq;	_____	ap. per eundem.	
	63. Thomas Wells	_____	ap. per eundem.	
	64. Jonah Clark	_____	ap.	
	65. William Marriner	_____	ap. per John Bulkley, Esq;	
	66. John Chamberlain	_____	ap. per eundem.	
	{ James Makcall	_____	defaulted.	
	67. { John Adams	_____	ap. per eundem.	
	{ Daniel Adams	_____	ap. per eundem.	
	{ Samuel Day	_____	ap. per eundem.	
	68. Elijah Johnson	_____	ap. per eundem.	
	69. Benjamin Chamberlain	_____	ap. per eundem.	
	70. Epiphrus Lord	_____	ap. per eundem.	
	71. Samuel Fuller	_____	ap. per eundem.	
	72. Jonathan Northum	_____	ap. per eundem.	
	73. William Chamberlain	_____	ap. per eundem.	
	74. Timothy Wright	_____	ap. per eundem.	
	75. Peleg Chamberlain	_____	ap. per eundem.	
	76. Noah Clark	_____	defaulted.	

	Andrew Carrier jun.	—	appeared, per John Bulkley, Esq;	26
	Aaron Fuller	—	ap. per eundem.	
	David Bigalow	—	ap. per eundem.	
77.	Freedom Chamberlain	—	defaulted.	
	John Waters	—	ap. per eundem.	
	Abraham Day	—	ap. per eundem.	
	Benjamin Adams	—	defaulted.	
78.	Job Stiles	—	defaulted.	
	Joseph Cook	—	defaulted.	
79.	Benjamin Skinner	—	ap. per John Bulkley, Esq;	
80.	Daniel Morgan	—	ap. per eundem.	
81.	Michael Stewart	—	ap. per eundem.	

Persons returned by the Officer, summoned as possessors of lands in controversy, lying in the Township of *Lyme*, called, viz.

N ^o .	John Gilbert	—	appeared, per James Brown;	
	Christopher Wickwere	—	ap. per eundem.	
1.	Benjamin Williams	—	ap. per eundem.	
	Ephraim Harris	—	ap. per eundem.	
	Abraham Harding	—	ap. per eundem.	
	John Perkins	—	ap. per eundem.	
2.	Daniel Lord	—	ap. per John Bulkley, Esq;	
	Samuel Tubs	—	ap.	
3.	Jacob Bacon jun.	—	ap. per James Brown.	
	Jasper Griffing	—	ap. per John Bulkley, Esq;	
4.	Joseph Giddings	—	ap.	
	Samuel Rudd	—	ap. per John Bulkley, Esq;	
	Benjamin Colt	—	ap. per eundem.	
	Thomas Giddings	—	ap. per eundem.	
	Henry Bennet	—	ap. per eundem;	27
	Henry Bennet jun.	—	ap. per eundem.	
5.	Isaac Rouly	—	ap. per eundem.	
	Nathan Griffing	—	ap. per eundem.	
	Joshua Giddings	—	ap. per eundem.	

Court adjourned till to-morrow at three o'clock afternoon.

Friday;

Friday, July 1st 1743.

Present as above.

Court opened according to adjournment.

THE following persons returned by the officers, summoned as possessors of the lands in controversy, lying within the township of *Hebron*, viz.

23	N ^o . 1.	Thomas Dunham	—	—	appeared, per John Bulkley, Esq;	
	2.	Benjamin Beech	—	—	ap. per eundem.	
	3.	Azariah Beech	—	—	ap. per eundem.	
	4.	James Tillotson	—	—	—	defaulted.
	5.	Richard Beech	—	—	ap. per eundem.	
	6.	{ John Porter	—	—	ap. per eundem.	
		{ David Porter jun.	—	—	ap. per eundem.	
	7.	{ James Stewart	—	—	—	defaulted.
		{ Jacob Ford	—	—	—	defaulted.
		{ John Derby	—	—	ap. per eundem.	
	8.	{ Samuel Negus	—	—	—	defaulted.
		{ Obadiah White	—	—	ap. per eundem.	
	9.	Jacob Orsburn	—	—	—	defaulted.
	10.	Samuel Chubb	—	—	ap. per eundem.	
	11.	Gideon Chubb	—	—	ap. per eundem.	
	12.	Joseph Skinner	—	—	ap. per eundem.	
	13.	{ Joseph Kellogg	—	—	ap. per eundem.	
		{ Joseph Kellogg jun.	—	—	ap. per eundem.	
		{ Daniel Kellogg	—	—	ap. per eundem.	
	14.	{ Benjamin Kneeland jun.	—	—	ap. per eundem.	
		{ John Chamberlain	—	—	ap. per eundem.	
		{ Daniel Jones	—	—	ap. per eundem.	
		{ John Chamberlain jun.	—	—	ap. per eundem.	
	15.	{ William Chamberlain	—	—	ap. per eundem.	
		{ John Beech	—	—	ap. per eundem.	
	16.	Benjamin Skinner jun.	—	—	ap. per eundem.	
	17.	{ Sam ^l el Buel	—	—	ap. per eundem.	
		{ William Buel	—	—	ap. per eundem.	
	18.	Solomon Phelps	—	—	ap. per eundem.	

Mr. Smith, of council for the governor and company, said, that, pursuant to the order of Wednesday last, the governor and company of the colony of Connecticut, by their agents and council aforesaid, having inspected the paper-book offered by Mr. Bolland, do find that it is only alledged to be a copy of the proceedings and decree, &c. of the said commissioners, and not the originals themselves therein-mentioned; nor is it declared where the said originals are, nor any reasons given why the

same are not produced : they observe further, that the said book is not signed, or certified to be a true copy, by any of the commissioners : that it appears also with sundry interlineations, not taken notice of by the supposed clerk before signing : they also observe, that there is no witness produced to prove the said copy to be a true copy of the originals therein mentioned : they also observe, that the said paper-book mentions a complaint of Oweneco, the Indian Sachem, to be on file, but that it does not appear in the said paper-book. 29

Nevertheless, the said governor and company, to prevent all delay, and in order that the said cause may be speedily determined, *do admit the said paper-book to contain such parts of the proceedings of the said commissioners, as are therein contained, saving to themselves all just and legal exceptions to the manifold untruths, uncertainties, and insufficiencies in the said proceedings and decree, &c. and pray that the said complaint of Oweneco, therein mentioned, which is supposed to be the foundation of the said decree, may be produced, and that the said governor and company have a copy thereof.*

The court adjourned till nine o'clock to morrow morning.

Saturday, July 2d 1743.

Present as above.

Court opened according to adjournment.

THE said Moheagan Indians by their aforesaid guardians and council, to what the said governor and company yesterday said and moved, touching the paper-book aforesaid, and the complaint of Oweneco, late Sachem of the said Indians, therein mentioned, answered, said, and insisted, as at first (when the judgment given, in favour of the said Moheagan Indians and Oweneco their Sachem, and the proceedings whereon the same was founded, were ordered to be laid before this court) that, as the review of the cause wherein the judgment aforesaid was given, was ordered and directed by her late majesty queen Anne, upon the *complaint* to her made against the said judgment by the said governor and company, and in answer to their prayer to her said late majesty, that she would provide remedy for them therein, 30

Therefore, the said governor and company ought to produce the said judgment and proceedings : And they also said, that his late excellency Joseph Dudley, Esq; and all the other commissioners named in the commission of her said late majesty queen Anne, issued and dated the 19th day of July 1704, are dead ; and that James Meinzie, clerk of the said court of commissioners, is also dead ; and that the original decree and proceedings of the said commissioners, or the file or files made and kept by the said Meinzie, when their clerk, or the said complaint of Oweneco, in the said paper-book mentioned to be on file, or any of them, cannot be found, had, or obtained, by the said

F.

Indians, &c.

Indians, or their guardians aforesaid : and they said, that the said governor and company, having *so long*, to the great injury and damage of the said Indians, *delayed to prosecute that review*, which, upon their petition to her said late majesty queen Anne, was by her ordered and directed ; and the death of the said Joseph Dudley, Esq; and all the other former commissioners, and their clerk aforesaid, having happened *during that injurious delay* ; and it being now become *impossible* for the said Indians, or their guardians aforesaid, to procure the *original judgment* and proceedings aforesaid, or the complaint aforesaid of the said Oweneco ; and as the said governor and company do not now produce the said judgment and proceedings, *as they ought to do* ;

31 Therefore, the said Moheagan Indians, by their guardians and council, said, that the said paper-book ought to be received as sufficient to enable this honourable court to proceed, and re examine and review the cause aforesaid, according to their commission for that end by his present majesty granted ; and they said that the said paper-book, and matters therein contained, are sufficient for that purpose ; and they prayed judgment accordingly, and that this honourable court would not order them to produce the said complaint of Oweneco, with which order they said it was altogether impossible for them to comply.

In answer to which, Mr. Smith, of council for the said governor and company, assigned the following reasons why the said governor and company ought not to be obliged to produce the said complaint of Oweneco, but the same ought to be produced by the opposite party.

First. Because it does not appear, by the said paper-book, that the said complaint of Oweneco ever came to their hands, or that they ever had a copy of it.

Secondly. Because it doth appear, by the said paper-book, that the said decree was in favour of Oweneco, and it ought, by law, to be supposed to be in the power of those claiming under him to produce all the parts material to such decree.

57 Thirdly. That, according to the course of law and equity, whoever claims any right by virtue of a judgment in law, or decree in equity, such party ought to produce and set forth such judgment or decree, with all the material parts thereof ; and this further, that the governor and company know not where the said complaint is, nor have the present agents ever seen it, nor (although they have made diligent search for it) can they find it, or any copy of it, nor do they hear of any one person within this colony that ever saw it, or knows certainly where it is, or may be found ; with this further, that any thing above alledged by the said Mr. Bolland, not answered by the said governor and company, is not admitted to be true, &c.

The parties being heard, the court took time to consider thereof till Monday morning.

The court adjourned till Monday morning at nine o'clock.

Monday,

Monday, July 4th 1743.

Present the same commissioners.

Court opened according to adjournment upon the point agreed upon Saturday last.

THE court is of opinion, that, as both parties severally declare that they have not the said complaint of Oweneco, nor any copy thereof, and that they know not where the same can be found, it can be to no good purpose to order either of them to produce the said complaint, but the court looks upon the said complaint as a part of the proceedings lost by misfortune; and, therefore, *that neither of the parties ought to take any advantage from the loss thereof that can be avoided.*

Ordered, That the parties proceed.

Ordered, That the said paper-book, &c. be entered at large on the minutes, and notice taken of the several interlineations therein.

The beginning of the paper-book.

33

(L.S.) By his excellency Jonathan Belcher, Esq; captain general and governor in chief, in and over his majesty's province of the Massachusetts Bay in New-England.

I do hereby *certify*, that Benjamin Lynd and Paul Dudley, Esqrs. are justices of the superior court of judicature, within the province aforesaid, and justices of the peace in the county of Suffolk, within the said province; and that Mr. Samuel Tyley is one of the clerks of the said superior court, and a publick-notary in the town of Boston, within the province aforesaid; and that to their respective acts and *attestations*, as on the papers hereunto annexed, full faith and entire credit is and ought to be given, both in court and without.

In testimony whereof I have caused the publick seal of the province of the Massachusetts Bay aforesaid to be hereunto affixed. Dated at Boston the second day of March 1735, and in the ninth year of his majesty's reign.

J. BELCHER.

By his excellency's command,

J. Willard, secretary.

The
queen's
commission
in 1705.

Anne, by the grace of God, of England, Scotland, France, and Ireland, queen, defender of the faith, &c.

34

To our trusty and well-beloved Joseph Dudley, Esq; our captain general and governor in chief of our province of the Massachusetts Bay, in New-England, in America; Thomas Povey, Esq; our lieutenant governor of the said province; Edward Palmes, Esq; of New-London, in Connecticut colony in New-England; Francis Brindley, Esq; of Rhode-Island; Giles Silvester, Jahmeel Brenton, of Boston in the Massachusetts Bay, Esqrs. Nathaniel Byfield, of New-Bristol in the Massachusetts Bay; Thomas Hooker, of Hartford in Connecticut; James Avery, John Avery, John Morgan, of New-London, and Thomas Lessingwell, of Norwich, in Connecticut, gentlemen, greeting,

Whereas we have been informed that the principal Sachems of the Moheagan Indians, in our colony of Connecticut in New-England, *being chief proprietors of all the lands in these parts*, did, upon the first coming of our subjects to inhabit there, *receive them in a friendly manner, and permitted them peaceably to plant and settle great part of their lands, which they granted to them for an inconsiderable value*, reserving only to themselves *a small parcel of land to plant and hunt in*: that the said Indians have, ever since the coming of our subjects, entertained and cultivated a firm friendship, by league, with our said subjects of Connecticut, and have, at times, *assisted them when they have been attacked by their enemies*: that in several treaties between the said Moheagans, and our said subjects of Connecticut, it has been agreed, that the said Indians should be protected in the possession of their *said reserved lands*: that, contrary to the said treaties, and to common justice, the government of Connecticut have passed an act, or order, in their general court, or assembly, by which they have taken from the said Indians *that small tract of land which these Indians have reserved to themselves*, and were possessed of as aforesaid.

35

That the said Indians have often made application to the government there; *but instead of finding redress*, have been ill used, to their great discouragement.

Know ye, therefore, that we, reposing especial trust and confidence in your abilities and integrity, have nominated, authorized, and appointed, and do by these presents nominate, authorize, and appoint, you, the said Joseph Dudley, Thomas Povey, Edward Palmes, Francis Brindley, Giles Silvester, Jahmeel Brenton, Nathaniel Byfield, Thomas Hooker, James Avery, John Avery, John Morgan, and Thomas Lessingwell, or any five or more of you (our said governor or lieutenant governor of the Massachusetts Bay always to be one) to be our commissioners for examining and enquiring into the matters aforesaid, and also such other injuries and violences as shall be offered and done to the Moheagan Indians, and to determine thereupon *as shall seem just and reasonable*

Our will and pleasure, therefore, is, that you repair by the first convenient opportunity, and from time to time, as there shall be occasion, into our said colony of Connecticut, and having summoned before you the governor and company of our said colony, or such as shall be deputed by them, and such others against whom any complaint shall be made unto you, together with the chief *Sachems* of the said Moheagan Indians, make

make enquiries and take examinations upon oath, or otherwise, in the best manner you may, concerning the matters aforesaid, and also concerning any injury or violence offered, or that shall be offered, to the aforesaid Indians, or any of them, *by the said general court or assembly of our said colony, or by any town or towns, or persons whatsoever, relating to the said Indians lands*; and, having heard both parties, you are to determine according to *justice and equity*, and to restore the said Indians to their settlements, in case they have been unjustly dispossessed, or otherwise to take care that they be continued therein; we being pleased, nevertheless, to allow to the parties who shall think themselves aggrieved liberty to appeal to us in our privy-council, they first giving sufficient security to abide by our determination.

In witness whereof, we have caused these our letters to be made patent. Witness myself at Westminster, the nineteenth day of July, in the third year of our reign.

(A broad seal
depending)

WRIGHT.

Per breve de privato sigillo.

A true copy of the original, in the custody of the honourable Paul Dudley, Esq;

Examined per Samuel Tyley, not. pub.

I Samuel Tyley, notary and tabellion publick, by lawful authority admitted and sworn, dwelling at Boston in New-England, do hereby certify unto all concerned, that the aforescritten is a true copy from the original, I having carefully compared the same therewith.

Given under my hand and the seal of my office at Boston aforesaid, this sixteenth day of February, in the ninth year of the reign of our sovereign lord king George the second, over Great-Britain, &c. anno Domini one thousand seven hundred and thirty five.

Samuel Tyley, notary publick.

Colony of Connecticut, }
Stonington, fl. }

At her majesty's court of enquiry, examination, and determining the complaint of Oweneco, Sachem of the Moheagan Indians, *against the government of Connecticut colony, and other persons that have deprived the said Sachem and Moheagans of their lands* holden at Stonington the 23d day of August 1705, in the fourth year of her majesty's reign, Anne, queen of England, &c. By virtue of her majesty's commission, under the great seal of England, bearing date the 19th day of July 1704.

37

G

COMMISS-

COMMISSIONERS PRESENT.

His excellency Joseph Dudley, Esq; president,

Edward Palmes, Esq;	Thomas Hooker,
Giles Silvester,	James Avery,
Jahleel Brenton,	John Avery,
Nathaniel Byfield, Esq;	John Morgan,
Thomas Leffingwell.	

The commission read, and the commissioners aforesaid taking the oaths appointed by the act of parliament.

James Meinziez was appointed clerk to the said court of commissioners, being sworn according to law, in the presence of his excellency, president.

The court was opened, and proclamation made for all parties concerned to attend said court.

38 William Pitkin, Esq; delivered to his excellency a letter from the governor of Connecticut (a copy thereof left on file) signifying that he had impowered said Pitkin and others to wait on his excellency, and shew the unreasonableness of the Indians complaints; then said Pitkin desired a copy of said commission, that they might be in readiness next morning to answer the same, which the court ordered to be given to him.

The court adjourned to the 24th of August, at seven of the clock in the morning, at the same place, and all parties ordered to attend at the said time and place.

Die Veneris, 24th August 1705.

Commissioners present as above.

J U D G M E N T.

The court being opened, and Oweneco, the complainant, being present and ready to make out his complaint against the government of the colony of Connecticut, and other particular persons, proclamation was made for the commissioners of the governor and company of the said colony of Connecticut to come into court, and make answer to the complaint of Oweneco, Sachem of the Mohegan Indians, who at *first appeared*, but afterwards made default, refusing to make any answer; after which a particular

tiular list of several persons that were complained against by Oweneco, for intruding into his lands, and who were summoned by the officer, were also called to come into court, and make answer to the complaint of Oweneco, who also all made default.

Whereupon, the court, at the desire of Oweneco, proceeded to enquire and examine his complaint; and upon enquiry and examination of the several allegations and proofs of the said Oweneco, 39

The said court do determine as followeth;

1st. That the said Oweneco is the true and undoubted Sachem of the Moheagan Indians, being so owned by all of his tribe that were present at the court, and also proved by living witness, of age and figure in the colony, and also acknowledged and treated with as the Sachem of the said Moheagan Indians in several leagues and treaties between the said colony and Uncas; *records whereof were produced in court.*

2d. That Oweneco himself and his ancestors, with his people, have at all times served the interest of the crown of England and the colony of Connecticut in times of war, and have faithfully kept their leagues and treaties with the said colony.

3d. That the government of the colony of Connecticut have, at several times, and by several treaties and orders, acknowledged Oweneco and his father Uncas, with the Moheagan Indians, to have lands of their own; and accordingly settled the boundaries between the Moheagans lands, and such as they had purchased of the said Indians.

4th. That Oweneco and his ancestors, with the Moheagan Indians, had a very good and undoubted right to a very large tract of lands within the colony of Connecticut, [lying to the eastward of Connecticut river] and that the English inhabitants of the towns of New-London, Norwich, Stonington, and others, have acknowledged the right of the said Moheagan Sachem to those lands; and many years since purchased of the said Oweneco and his father considerable parcels of lands belonging to the said towns, of which purchases the said Oweneco is well satisfied, and makes no complaint. 40

5th. That all the lands that were reserved and left remaining unto the said Oweneco and the Moheagan Indians in the year 1683, were distinguished into planting and hunting grounds; their planting ground, part of it, situate between New-London and Norwich, and contains eight miles in length, and four miles in breadth; one smaller tract about nine miles in length, and two miles in breadth, lying on the northern bounds of Lyme; one other very large tract of hunting land, lying between the bounds of the towns of Norwich, Lyme, Lebanon, Metabesset, and Haddam.

6th. That, for the better ascertaining and settling the bounds of those remaining land of the Moheagans, the government of the colony of Connecticut, in the year 1683, did empower a committee of several gentlemen one of whom was the then governor to settle the bounds between Uncas, the Indian Sachem, and the plantations to which his lands adjoined; which committee accordingly, in 1685, did run and settle the boundaries abovementioned, and made return thereof to the general court, who approved

approved and recorded the same, as appears by record; which survey, since the arrival of this commission, has been revised by Captain John Chandler, the late surveyor of the lands of New-London, with others in company with him, of which survey a plat has been exhibited to the court by the said Chandler.

- 41 7th. That Uncas, the father of Oweneco, to secure his lands, or some good part of them, to his family and people, in the year 1659. and again in the year 1665, did make over his lands in that country to Major John Mafon, deputy governor of that colony. and of great friendship with Uncas, for the Indians use; and the said Mafon, in the year 1671, the better to secure some of their lands to them and their posterity, reconveys, to Uncas and others, and their heirs, that tract of land between New-London and Norwich, for their planting with an express limitation on that deed, that neither they nor their heirs should ever alienate the same, which after that time passed commonly by the name of the *jequestered lands*.

8th. That the government of Connecticut did approve of the said Major John Mafon's being procurator, or guardian of the Mohagan Indians, during his life, and of Major Samuel Mafon, his son, after his death; and in the year 1660, do provide and determine, that the lands of the Moheagans should be disposed of. and ordered by the said Mafon; and, in the year 1692, for the more effectual securing to the said Sachem and Moheagans their reserved remaining lands, direct and determine, that none of the lands recorded and confirmed to Oweneco, should, for the future, be passed away, without the consent of Captain Samuel Mafon aforesaid.

- 42 9th. That, contrary to the reservations, treaties, and settlements above recited, the government of the colony of Connecticut have granted away considerable tracts of the planting grounds of the said Moheagans, amounting to about three thousand acres; and in particular, to the present governor of the said colony, and Gurdon Saltonstall, the minister of New-London, four hundred acres, which, upon oath, is found to be eleven hundred and upwards; and, in October last past, the government aforesaid, by a patent under the seal of the colony, granted the whole tract abovementioned, being the planting ground of the said Indians, to the proprietors of New-London and their heirs for ever.

10th. That the said Sachem and Moheagan Indians have been very unjustly dispossessed and turned out of a tract of planting ground, called *Massapage*, lying within the township of New-London; the improvement of which land is reserved, by the said Sachem and Moheagans, to themselves, by their deed to New-London.

11th. That the town of *Lyme*, under pretence of their grant of their township from the colony, have taken into their improvement that tract of the Moheagan lands bounded upon their township, containing about nine miles in length, and two miles in breadth.

12th. That one other very large tract of their hunting ground is granted away from the Moheagans to the township of Colchester, viz that large tract of land between Norwich and Haddam, Lyme, Lebanon, and Metabeset.

13th. That the said Moheagan Indians are a *considerable* tribe or people, consisting of one hundred and fifty fighting men, *formerly a much greater number*, and cannot subsist without their lands, of which they have been deprived and *dispossessed as aforesaid*.

That the said Oweneco with his people hath been extremely disturbed and grieved at the proceedings beforementioned of the colony of Connecticut towards them; and have frequently applied themselves to the *general assembly* of the said colony, by their agents, Major Samuel Mañon and Captain Daniel Clark, *for redress*, but could obtain none; whereby they have been reduced to *great want and necessity*, and, in this time of war, are in great danger of deserting their ancient friendship. 43

Whereupon, the said court are *unanimously* of opinion, that the said Oweneco and the Moheagan Indians ought to be *restored to, and put into the possession of*, the said lands, having been *unjustly deprived and dispossessed of them*; any act or order of the general assembly of the colony of Connecticut, or other proceedings, to the contrary notwithstanding.

It is therefore considered and determined by the said court of our said lady the queen, that the said Oweneco Uncas and the Moheagan Indians shall be immediately put into possession of all their *planting ground*, lying between *New London and Norwich*, containing *eight miles* in length, and *four miles* in breadth, or thereabout, as the same is surveyed and marked; as also of another smaller tract upon the north bounds of *Lyme*, containing *nine miles* in length, and *two miles* in breadth, the *western end* whereof lies upon *Connecticut river*; and also one other larger tract of *hunting land* between the bounds of *Norwich and Haddam*.

And also, that the said Oweneco and the Moheagan Indians be restored to the improvement of their planting ground, called *Maffapeage*, within *New-London* aforesaid; and also that the said Oweneco Uncas recover his just costs and charges.

And that the governor and company of the colony of Connecticut, according to her majesty's pleasure, signified to them in her gracious letter, bearing date the 25d of *March 1703*, be certified of the determination aforesaid, and be required immediately to cause the said Oweneco Uncas and the said Moheagan Indians to be restored to the enjoyment and possession of the several tracts and parcels of lands above recited. 44

The above written is a true copy of the original judgment and determination of the court of commissioners upon the complaint of Oweneco on file.

Attest. Ja. Meinzie, cler. cur. com.

J. Dudley,
Edward Palmes,
G. Silvester,
Jahleel Brenton,
Nathaniel Byfield,
James Avery,
John Avery,
John Morgan,
Thomas Lessingwell'.

NEW-ENGLAND NOTIFICATION.

By his excellency Joseph Dudley, Esq;

Whereas, by virtue of her majesty's commission under the great seal of England, directed to myself and several others therein named, a court is appointed to be held at Stonington, within her majesty's colony of Connecticut in New-England, upon Thursday the 23d of August next, to make enquiry into the complaints of Oweneo Uncas and the Moheagan Indians, of violence, wrong, and injury done them, by taking away and depriving them of their lands, and to determine thereupon according to justice and equity, &c.

45 And information and complaint being made, that the persons hereunder named have entered into, settled upon, laid out, and improved the said Indians lands, in the several parts thereof, viz.

Samuel Rogers sen.
Benjamins Awell,
William Minor,
Israel Dodge,
James Harris,
Samuel Gilbert,
Thomas Jones, sen. & jun.
Richard Scarriet,
John Tong,
Samuel Rogers jun.
Philip Marley,
George Fevors

All settled on the lands
between Norwich
and New-London.

Daniel Witherel, Esq;
Mr. Gurdon Saltonstall,
John Plum,
Samuel Rogers jun.
Caleb Watton,
George Denison,
Charles Hill,
Jonathan Hill,

Have
lands
laid out
to
them.

Robert Lord,
John Colt,
Sam. Waters,
And. Carrier,

Improve In-
dians lands
at Colchef-
ter.

William Backus,
Benj. Howard,
John Almsbury,
Samuel Palmer,
Jonathan Almsbury,
Isaac McGoun,
Daniel Stibbens,
Nathaniel Hibbert,

Improve Indi-
ans lands at
Momeagueg
in the bounds
of Windham.

These are to notify the several persons above-named of the time and place appointed as above for holding of the said court, and in her majesty's name to summon and require them respectively then and there to attend their concerns accordingly.

Given under my hand at Boston, the 30th of July 1705, in the 4th year of her majesty's reign.

6

J. DUDLEY.
Indorsed,

Indorsed,

To Mr. Elisha and Mr. Jedidiah Fitch, constituted sheriffs, by his excellency go-
 vernor Dudley's order, for serving of summons attending her majesty's court
 of commissioners ordered to sit at Stonington on the 23d August 1705, and all
 other service proper to their office, &c.

46

Edward Palmer, com.

The above written is a true copy of the notification and indorsement on file, com-
 pared and examined.

Attest. James Meinziez, cler. cur. commiss.

Summons for intruders.

In her majesty's name you are hereby notified of the sitting of her majesty's com-
 missioners, impowered, under the great seal of England, to hear and determine the
 complaints of Oweneco Uncas, referring to several intrusions upon his lands, wherein
 he complains of John Smith, John Gallop sen. John Gallop jun. John Fellows,
 Ebenezer Harris, Henry Stephens, Thomas Stephens jun. the father of Henry Ste-
 phens, Ephraim Fellows sen. those are complained of for improving Indian lands
at the town called Plainfield; John Plum, John Coit, Stephen Prentice, and Jere-
 miah Chapman, *select men of New-London*; Michael Taynter, Samuel Northum,
 Thomas Skinner, *select men of Colchester*; Renold Mervin, Daniel Starling, John
 Lay, *select men of Lyme*; Joshua Raymond, or his executors, Joshua Baker jun.
 Jonathan Williams, Samuel Chester, Matthew Griswold, Robert Latimer, Thomas
 Porter, of Lebanon; you will attend your concerns accordingly at Stonington the
 23d of August next.

Given under my hand,

Boston 30th July, 1705.

J. DUDLEY.

The above written is a true copy of the summons on file.

Attest. J. Meinziez, cler. cur. commiss.

47

The sheriffs return upon the warrants and summonses to them directed.

Elisha Pain and Jedidiah Fitch, constituted sheriffs by his excellency the president
 of said court as aforesaid, do swear, that all the persons named in the two preceding
 warrants, and contained in a list given in by them, were all legally notified and sum-
 moned by them, according to the said notification and warrants to them directed, as
 appears by said list on file.

Sworn in court.

Attest. Ja. Meinziez, cler.

The above written is a true copy taken from the minutes of court on file, com-
 pared and examined.

Attest. J. Meinziez, cler. cur. com.

Governor

Governor Winthrop's letter to Colonel Dudley.

New-London, August 21st 1705.

SIR,

48 I understand, by your excellency's letter of July 30, your intentions to be at Stonington the 23d instant, to hear the complaint of Oweneco against this government; I have, therefore, in obedience to her majesty's commands, directed and empowered William Pitkin, John Chester, Eleazar Kimberly, Esq; Major William Whiting, Mr. John Eliot, and Mr. Richard Lord, to wait upon your excellency, and shew the unreasonableness of those complaints, the unpardonable affront put upon her majesty by that false representation, and the great trouble to yourself thereby; and I conclude, in a short hearing, your excellency will be able to represent to her majesty that those complaints are altogether groundless. The gentlemen shall assist your excellency's enquiry, in summoning such persons as you shall please to desire, and in all things else, *reserving the honour and privileges of the government*. The gentlemen will tell you my indisposition; and being such as your excellency has felt, I know you will pity it. I shall be very happy if your excellency will repose here with our poor viands; a short diversion may make your return more easy. I heartily wish your health and happiness; and am, Sir,

Your excellency's very humble servant,

Gov^r. Dudley.

J. WINTHROP.

A true copy of the original compared, and examined.

Attest. J. Meinziez, cler. cur. commiss.

The above written is a true copy of the copy on file, compared and examined.

Attest. J. Meinziez, cler. cur. commiss.

P R O T E S T A T I O N .

To his excellency Joseph Dudley, Esq; captain general and governor in chief of her majesty's province of the Massachusetts Bay, &c.

49 We the commissioners of her majesty's colony of Connecticut are obliged, by our instructions from this government, to certify your excellency, that, in obedience to her majesty's commands to this colony, we are ready to shew the injustice of those complaints against this government, made in the name of Oweneco, to her majesty in council: if your excellency sees good that the complaints be produced (provided the gentlemen mentioned in her majesty's commission with your excellency be legally qualified to act as members of the court of enquiry constituted thereby) that so your excellency and commissioners may, upon enquiry made, be enabled to make such a true and

and joint report of the matters of fact mentioned in the said complaint to her majesty as you shall see meet. But if your excellency (as it appears to us) does construe any expressions in the said commission, so as to empower the said commissioners, by themselves, to enquire and judicially determine concerning the matter in controversy, mentioned in the said complaint concerning the title of land or trespass, and do resolve to proceed accordingly, as we cannot but judge it to be contrary to her majesty's most just and legal intentions in the said commission; so we must declare against and prohibit all such proceedings, as contrary to law and to the letters patent under the great seal of England granted to this her majesty's colony, and contrary to her majesty's order to this government concerning the said commission and complaint, as well as to the known rights of her majesty's subjects throughout all her dominions, *and such as we cannot allow of*: we only add, that it seems strange to us, that your excellency should proceed in such manner, without first communicating your commission to the general assembly of this her majesty's colony.

Stonington, August 24th 1705.

William Pitkin,
John Chester,
Richard Christophers,
William Whiting,
Eleazar Kimberly,
Richard Lord.

The above written is a true copy of the original on file, compared and examined.

Attest. Ja. Meinziez, cler. cur. commiss.

Articles of Agreement between the English in Connecticut and the Indian Sachems.

59

A covenant and agreement made between the English inhabiting *the jurisdiction* of the river of Connecticut, of the one part, and Miantinomy, the chief Sachem of the Narragansets, in the behalf of himself and the other chief Sachems there, *and Poquin or Uncas, the chief Sachems of the Indians called the Moheagans*, in the behalf of himself and the Sachems under him, as followeth, at Hartford, the 21st of September 1638.

1st. There is a peace and familiarity made between the said Miantinomy and the Narraganset Indians, and the said Poquin and Moheagan Indians, and all former injuries and wrongs offered each to other remitted and buried, and never to be renewed any more from henceforth.

2d. It is agreed, if there fall out injuries and wrongs for future, to be done or committed, each to other, or their men, they shall not presently revenge it, but they are to appeal to the English, and they are to decide the same, and the determination of the English to stand, and they are each to do as is by the English set down; and if the one or the other refuse to do, it shall be lawful for the English to compel them, and to side and take part, if they fee cause, against the obflinate or refusing party.

3d. It is agreed, and a conclusion of peace and friendship made between the said Miantinomy and the said Narragansets, and the said Poquin and the said Moheagans, as long as they carry themselves orderly, and give no just cause of offence, and that

51

they, nor either of them, do shelter any that may be enemies to the English, that shall or formerly have had hand in martyring or killing any English man or woman or consented thereunto, they, or either of them, shall, as soon as they can, either bring the chief Sachem of our late enemies the Pequots, that had the chief hand in killing the English, to the said English, or take off their heads; as also for those murderers that are now agreed upon amongst us that are living, they shall, as soon as they can possibly, take off their heads, if they be in their custody, or else whensoever they or any of them shall come amongst them, or to their Wigwams, or any where, if they can by any means come by them.

4th. And whereas there be, or is reported for to be, said Narragansets and Moheagans, two hundred Pequots living, that are men, besides squaws and papooses, the English do give unto Miantinomy and the Narragansets, to make up the number of eighty, with the eleven they have already, and to Poquin his number; and that after they, the Pequots, shall be divided as aforesaid, shall no more be called Pequots, but Narragansets and Moheagans, and as their men: and either of them are to pay for every Sannop papoose one hand, to be paid at hilling time of corn at Connecticut yearly; and shall not suffer them for to live in the country that was formerly theirs, but now is the English by conquest: neither shall the Narragansets nor Moheagans possess any part of the Pequot country, without leave from the English; and it is always expected that the English captives are forthwith to be delivered to the English, such as belong to Connecticut to the Sachems there, and such as belong to the Massachusetts.

52

The said agreements are to be kept inviolably by the parties aforesaid; and if any make breach of them, the other two may join and make war upon such as shall break the same, unless satisfaction be made, being reasonably required.

HAYNES, governor.

John Haynes,
Roger Ludlow,
Edward Hopkins.

The mark of ~~M~~ Miantinomy.

The mark of Δ Poquin, alias Uncas.

The above written is a copy of some articles made with the English and Indians, as attest, compared by

Samuel Mason, assistant,
John Tracy, justice of peace.

A true copy as on file.

Attest. Ja. Meinzius, cler. cur. commiss.

At a court of election held at Hartford, May 16th 1683.

Appoint-
ment of
commissio-
ners to settle
the Mohen-
gan bound-

This court desire and appoint the honourable governor and Major Talcott, to be a committee in the behalf of the court, to endeavour to settle the bounds between Uncas and the plantations to which his lands adjoin, and to compose the differences between

Lyme

Lyne and Uncas and ALL OTHER DIFFERENCES that he shall desire to refer to them, and that what they are to do they are to make return thereof to the court.

A true copy.

Test. E. Kimberly, secretary, &c;

A true copy as on file.

Attest. Ja. Meinziez, cler. cur. commiss.

At a general assembly holden at Hartford, *May 18th 1684.*

The governor and Major Talcott, having presented to this court what an account they have gained of the bounds of the Moheag Sachems lands under their hands, the court thankfully accepted their labour therein, *and ordered it to be recorded as their return.* 53

A true copy.

Test. Eleazar Kimberly, secretary.

A true copy as on file.

Test. Ja. Meinziez, cler. cur. commiss.

A book, containing the nine following copies of records, attested by the secretary, with the seal of the colony affixed.

Eleazar Kimberly, secretary of her majesty's colony of Connecticut,

To all to whom these presents shall come, or may in any way concern, greeting:

Know ye, that the several copies of records, and other writings contained in this roll or list, the enumeration whereof follows, viz.

1st, *The Mohcagans Sachems bounds.*

2dly, *The genealogy and lineage of Uncas.*

3dly, *The league between the government of Connecticut and Uncas.*

4thly, *Major Mason's grant from Uncas, and his entailment of land upon the Moheags.*

5thly, *Major Mason's surrender of the jurisdiction power of the Moheags country to the general court.*

6thly,

6thly, *Owen's application to the general court to have his lands confirmed, that he might not alien without Capt. Mase's consent.*

7thly, Uncas's deed to New London.

8thly, Agreement between Uncas and Aramamut.

9thly, Addition to New London bounds.

54 Are all of them true copies, taken out of the office of record of her majesty's said colony, and that good faith and credit is to be given to them and every of them.

In testimony whereof I the said secretary have hereunto subscribed, and also affixed the seal of the said colony, this ninth day of June, in the second year of her majesty's reign, Anno Domini 1703.

Eleazar Kimberly, secretary.

An account of the Moheagan Sachems native boundaries and royalties, as appears by several court records, and by information and testimony of sundry Indians, Pequots and Narragansets; the greatest part of which lands within the said bounds they have sold and alienated to several plantations, and particular persons, as appears by deeds, gifts, and grants derived from the aforesaid Moheagan Sachems.

The Moheagan *west* bounds are from Ashawatt to Wongunshake, and from thence to Walslick, as appears by agreement between Uncas, Sachem of Moheagan, and Aramamut and other Connecticut Indians, as country records do make manifest, May 17th 1666.

In reference to what right Uncas had, on the west side of Connecticut river and to Guilford, was alienated to Mr. George Fenwick, and to the inhabitants of Saybrook, excepting six acres at Homonaisset, as appears upon public records bearing date November 13th 1665.

55 The Moheagan *south* bounds, on the west side of Moheagan river, begins at Maquepeguntuckloongapoog, a cold spring, and from thence to Macenunquoek, and from thence to Poodrumseck, and from thence to Rumpumbashunk, and runs on to Weochook, and so to Pethaigomseck, a great rock; the south bounds on the east side of Moheagan are at Accomques, as appears upon record bearing date October 20th 1666.

The Moheagan *east* bounds do begin at Aquafupuk pond, which is the south-east corner, and from thence to Mamafuck, and from thence to Sinnesett, and then to Goleowwiganuck, and so to Chabinungsh, and from thence to Shawwamuck, from thence to Macomantuck, and so to Poughtagnotchouge, and then to Miokpencu and from thence to Munhumqueeg, and so on to the Upper Falls; and it appears that the Moheagan Sachems had right on the east side of Quinebaug river, as record shows, bearing date on the 13th of November 1665, besides Indian testimony.

The

The *north* bounds of the Mohegan Sachems appear to run up to the Wabaquasset country, and from thence up to Nipmug, having had right so far northerly ever since the Pequot war in 1637; at which time the Pequots making war with *the English*, the Indians, on the east side of Quinebaug river above the Falls, turned off to the Narragansets, and those on the west side of said river fell to the Moheagans, and for about forty-five years have paid tribute, acknowledgments, and white deer-skins, and bear-skins, and black wolf-skins *; and that he was their Sachem till Oweneco his son grew up, who was appointed by Uncas to be their Sachem, and they being put under him, the Wabaquasset chief men to rule in his absence. That Oweneco was owned and acknowledged to be their Sachem, was sufficiently known by many English, and also acknowledged so to be by the Wabaquasset Indians, surrenderers since the war, as appears by their testimonies before the reverend Mr. James Fitch, minister in Norwich, May 5th 1684.

* From what follows it may be presumed that Uncas was the person to whom the tribute was paid.

The *west* bounds of the Wabaquasset country, May 5th 1684, are Mishenups, the south-west corner to Elat, so to Queegghammath, and so to Mifeetchawog, and so to Wegguapamisk, and so to Natick Hill, the northerly corner; and then up an easterly line to a place called Cheekheck, and so to Sissoups, and so to Wifhquagawants, and so to Paskekegh, and so to Towcocks, and so to Monoposheke, and so to Pemenos, the south east corner; and then, upon a southerly line, to a place called Poohunk, and so to Matush, and so to Anqueet, and so to Gecomskie, and so to Guntuckkogag, and so to Nafshawag, and so to Sajus, and so to Quinebaug Falls, which is the south-east corner. *Being desired by the general court, as their committee* having had the perusal of sundry court-records, and Indian declarations and testimonies upon the foregoing considerations and assertions, gives us, under-written, the best light and advice that we can procure or attain unto, in reference to the Sachems of Moheagan, their boundaries, and right of royalties within the said boundaries, May 13th 1684.

ROBERT TREAT, governor.
JN°. TALCOTT, assistant.

Recorded January 27th 1684, and is a true copy of the original.

Attest. John Allen, secretary.

This is recorded among the public acts of the general assembly in May 1684.

A true copy. Test. Eleazar Kimberly, secretary.

The above written is a true copy, compared and examined with that on file

Per me J. Meinzius, cler. cur. commissi.

UNCAS's *Genealogy*, March 1679.

57 The genealogy and lineage of Uncas, Sachem of Moheag, beginning at Tamaquashad, who was grandfather to the said Uncas his father; and to bringing it down to Uncas and his successors, in which is also shewed his native *rights* to such lands, with their *respective boundaries*, as are hereafter mentioned.

The above named Tamaquashad had many relations, which lived above Quinebaug river, and also up the Nipmug country, who were never privileged by marriage into the royal stock; for the said Tamaquashad had agreed to keep the royal blood within the realm of the Mohegan and Pequots.

The great grandmother of the said Uncas was a great queen, and lived at Moheag; her name was Au-comp-pa-haug-gunfk; his mother's grandfather was the chief Sachem of the Pequot country in his time, and lived at Aukumbumfk, in the heart of the country, and was named Nuck-quut-do-waus.

Uncas's grandfather was the son of Nuck-quut-do-waus above named, and was the chief Sachem of the Pequot country, and lived at Aukumbumfk above named, and was named Woiepequaud.

His grandmother was the daughter of Wee-Roum, the chief Sachem of the Narragans, and her mother's name was Kish-he-choo-wat-ma-kunth, the chief Sachem of the Moheags, and she was niece to Ahaden, who was the son of Nuck-quut-do-waus, and she was sister to Au-comp-pa-haug-ug-gunk.

58 Uncas's father, who was *wholly* of the royal blood, his name was *Oweneco*, and he was the son of Woiepegund; and the said Woiepegund and Uncas's mother had both one mother: the said Uncas's mother was called Mukkunup, and her mother before her was called by the same name: Tatobem's father's name was Wo-peg-wonitt.

The said Uncas further declareth, that about the time of his father's decease, his said father further moved to Tatobem, who was the great Sachem of the Pequot country, for a match between his eldest son and the said Tatobem's daughter; the said Tatobem readily embraced the motion above-said, and gave his free consent, alleging, that by this conjunction they should keep their land entire from any violation, either neighbouring or foreign Indians; but before the consummation of this match the said eldest son died; and then, by the determination of the Indian council, both of the Pequots and Moheags, it was concluded and jointly agreed that Uncas, the next brother to the deceased, should proceed in the said match; which Uncas accepted, and was married to her about ten years before the Pequot war, and had three children by her, two of which died, *Oweneco only surviving*.

Further, the said Uncas doth declare, and looks upon it as a thing which may be easily proved from the contract of the great Sachems, viz. his father, and the Sachem of the Pequot country, upon the making of that match above specified, that his right to the Pequot country was good and unquestionable, who, although she

was

was of the Pequot blood, she neither would nor did forsake him in the time of the war; and also himself, although in such affinity unto the said Pequots, yet his wife and he shewing their fidelity to the English (himself adventuring for their assistance in that war) that it would look hard to him, by this unhappy war, to be deprived of *his true and legal right to the country*; which, if it shall seem good to my good friends, to my successors, so far as reason shall appear to mention, it will without doubt be a friendly, although not a costly requital of my former or latter adventuring my life in my own person, with the lives of my subjects, for their assistance, in offence of the enemies of my good friends the English, I shall thankfully accept it from their hands.

59

Uncas also declares, that his grandmother and Momoho's great grandmother were own sisters, and that Kattupestt, by Ufo-queen and Man-gan-wau-mett of Long-Island, are both derived of the lineage of Nuk-quut-do-waus; and being of the royal blood, he desires the English would respect them as such.

October 19th 1692.

The general court allows the above written, upon Oweneco's request, to be recorded.

Attest. John Allen, secretary.

The above written, with what is on the other side, is a true copy.

Eleazar Kimberly, secretary.

A true copy, compared and examined

Per me J. Meinziez, cler. cur. commiss.

The league between the government of Connecticut and Uncas.

Whereas the colony of Connecticut and Uncas, Sachem of Moheag, are and have been neighbours one to another for the space of about *forty and five years*: and whereas there hath been good friendship between us maintained in the days of the first governors of the colony of Connecticut, and agreements of mutual respect and friendship made by and between us, which through the length of time are almost forgot: to the end that *that* ancient amity and respect between the English of said Connecticut and the said Uncas and people of Moheagan may be continued and maintained for ever,

60

I the said Uncas, Sachem of Moheagan, for myself, my heirs and successors, do enter into a league of *amity* with the colony of Connecticut and their successors, as followeth:

First, That I, with all my people, will carry it as *friends and allies* to said colony of Connecticut and their successors, and will do no wrong nor injury to them, nor damage to them, or any of their people; and if any thing be by us or any of us done, upon complaint thereof it shall be forthwith redressed, and reparation made.

2dly,

2dly, I do resign up to the said colony of Connecticut *all my lands and territories* hereby, for myself, my heirs and successors, binding myself and them, that I will make no *other* dispose of them to any person or people whatsoever, without *their* grant and allowance first had and obtained; and that they shall be disposed in plantations, villages, or farms, according as the general court of Connecticut shall order and determine the same, *I always to receive such reasonable satisfaction for my propriety in them according as we shall agree.*

3dly, I do hereby confirm all grants of lands I have already made to any plantations, or particular person or persons, that stand now possessed and seised of them, to be to them, their heirs and successors for ever, and firm and good, the court approving of them.

4thly, I do, for myself and successors, covenant and agree to and with the said general court of Connecticut aforesaid, that I will not plot, nor practise any evil against them, nor consent to any that shall so do; but, upon knowledge of any evil design against them, will timely discover it to the authority of Connecticut from time
61 to time.

5thly, I do promise, that in all matters of weight and concernment, I and my successors will take advice of the general court of Connecticut from time to time, especially in making of peace and war with any persons or people, and in all leagues of friendship that I shall make; and that I will make *no league* of friendship with any persons or people that are in enmity with the colony of Connecticut.

6thly, I do bind myself, my heirs and successors, to be ready to assist the colony of Connecticut upon any occasion when their peace shall be disturbed with any enemy, intestine or foreign, with *a competent number of fighting men*, to be improved for their safety, in such way as they shall judge most expedient, and as I am able to spare.

7thly, I do desire that this *league of amity* may include my son Oweneco, and my grandson Josiah, and their posterity, and all our people, and that it may remain inviolable for ever.

First, The general court of Connecticut doth receive Uncas, and his son Oweneco, and grandson Josiah, and their people, into *friendship* with them, and desire the perpetuating of it from generation to generation; he or they attending and observing the six articles above written, then the said general court will carry it towards the said Sachem, his son and grandson, and their people and successors, as to our friends and allies, and will do them *no wrong*, nor suffer *any of our people to do them wrong*, but, upon complaint and proof, will *redress and grant due satisfaction*.

2dly, They shall have *equal justice* from us as our own people, in all matters which they shall bring before us, and that without delay, in all wherein *they shall have before-hand declared their subjection to our laws.*

3dly,

3dly, In what cases they need our advice (*they engaging to attend it*) we shall be ready to grant it freely. 62

4thly, Whatever plantations we grant to any people in *their* countries and territories, they shall take care that sufficiency of land for the said Indians and their successors be *still reserved* for them to plant on, and that a just price be paid for the residue, as shall be agreed.

5thly, In case the said Sachem shall be invaded by a foreign enemy, or neighbour heathen, upon unjust grounds and reasons, we shall furnish them with ammunition at a just price, and our best advices, doing what the commissioners shall allow, and the general court shall think fit, that may be done with our own peace and safety to preserve him and his people.

The said Sachems, and their people and successors, attending what is herein engaged by them to the colony of Connecticut, we also, the general court of Connecticut, do *oblige* ourselves and successors to attend what is engaged on our parts to the said Sachems and their people as *aforsaid*: for the confirmation hereof we, the general court of Connecticut, and Uncas, Sachem of Moheage, have set to our hands this 18th of May 1681.

This signed and delivered in presence of us, and before the general court of Connecticut,

Signed in name, and per order of the general court, per me

John Allen, secretary.

WILLIAM LEETE, governor.

A true copy.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

Major Mafon's grant from Uncas, and his entailment of land upon the Moheags. 63

Whereas Uncas, Oweneco, and Attawanhood, Sachems of Moheag, have formerly, fully, and freely given and granted to Major John Mafon, his heirs and assigns, the benefit and profit of all such lands as do belong to us, or either of us, or shall at any time be sold or disposed to any person or persons, to him the said Major Mafon, his heirs and assigns for ever; and now, for divers good causes and considerations, we do ratify and confirm the same: and we the said Uncas, Oweneco, and Attawanhood, do promise, engage, and bind ourselves, our heirs and successors, for the performance thereof, that he the said Major Mafon, his heirs and successors, shall have and receive, to their proper use and behoof, the one half the profits and value of all such lands, woods, ponds, minerals, herbage, rents, &c. that shall at any time arise and accrue upon the premises: and we, the said Uncas, Oweneco, and Attawanhood,

hood, do promise and firmly engage and bind ourselves, our heirs and successors for ever, that neither we, nor either of us, our heirs and successors for ever, shall at any time make sale, or any way dispose of the premises, or any part of the same, without the consent or allowance of him the said Major Mason, his heirs and successors. In witness whereof we have hereunto set our hands the fourteenth of December 1665.

64 Be it therefore known to all men by these presents, that I, the said Major Mason, for divers good reasons and considerations, do entail and bind over unto the said Uncas, Oweneco, and Attawanhood, a certain parcel of land at Mashantackuck, thus bounded, viz. abutting upon the river of Moheag upon the *east*, upon New London bounds *southerly*, and so to go *westward* to the uttermost extent of London bounds, and from thence *northerly* to the ostermost end of the western bounds of Norwich, and from thence *eastwardly* to the mouth of Trading Cove; which aforesaid tract or parcel of land, I, the said Major Mason, do, by these presents, dispose, confer, establish, and confirm to and upon Uncas, Oweneco, and Attawanhood, their heirs and successors for ever, that neither they, their heirs or successors, shall at any time make sale, or any other way dispose of the premises, or any part or parcel thereof; and if any person or persons whatsoever shall at any time procure any grants from the aforesaid Sachems, or their successors, the same shall be of no value or effect. In witness whereof I have hereunto set my hand the 9th of May 1671.

Test. { James Fitch sen.
Daniel Mason.

JOHN MASON.

The above written is a true copy taken out of the public records of her majesty's colony of Connecticut, book, A. fol. 24.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined.

Attest. Ja. Meinzies, cler. cur. commiss.

Major Mason's surrender of the jurisdiction power of the Moheags country to the general court, at a sessions of the general assembly in Hartford, March 14th 1660.

55 *The jurisdiction power over that land that Uncas and Wawequa have made over to Major Mason is by him surrendered, to this colony; nevertheless, for laying out of these lands, to farms or plantations, the court do leave it in the hands of Major Mason: it is also ordered and provided, with the consent of Major Mason, that Uncas and Wawequa, and their Indians and successors, shall be supplied with sufficient planting ground at all times, as the court sees cause, out of that land; and the Major doth reserve for himself a competency of land sufficient to make a farm,*

The

The above written is a true copy.

Test, Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

Oweneco's application to the general court.

At a general assembly holden at Hartford, October 13th 1692.

Whereas Oweneco hath desired that his father's lands, recorded to him, may be confirmed to him and his son Mahomet; *and that they may not pass it away to any without it be by the consent of Captain Samuel Mason, and to be acknowledged before him; which this court allows of.*

A true copy.

Test, Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

UNCAS's deed to New London.

Know all men by these presents, that we Uncas and Oweneco, Sachems of the Moheag, do hereby sell, alienate, and make over to the inhabitants of New London, and to them and their heirs for ever, all that land which lieth and is bounded upon the *north*, with a rock that lieth in Moheagan river, a little below a parcel of meadow, commonly known and called by the name of Bailies Meadow, and to run from the aforesaid rock upon a *weſterly* line to a marked tree in the woods marked with the letter L, being the north bounds of New London; all which lands so bounded, together with all the land on the east side of the river of Moheagan, being bounded on the north with Paccatannock river, and to run upon an east line to the bounds of Stonington: all which lands, on both sides of the river, bounded on the *north* as aforesaid, and on the *south* with the *sea*, we, the Sachems aforesaid, for a valuable consideration of money in hand received, do hereby sell and make over unto the inhabitants aforesaid, to them, their heirs, executors, and assigns, to have, hold, and improve the same for ever, with all the privileges and appurtenances to it belonging and appertaining, without any lett, molestation, or hindrance from us, or any empowered by us (only excepting the liberties of hunting, fishing, and fowling, but not to set any traps): also, it is agreed, that what lands are already broken up and improved by Indians, within the aforesaid bounds, on the *weſt* side the river, the said Indians have liberty to improve the said land till it be worn out, but are not permitted to break up any more within the said limits without leave from the said inhabitants.—And for the true performance hereof, we do by these presents firmly bind and oblige ourselves, our heirs, executors, and assigns, and have hereunto set our hands and seals in New London, the 10th day of March, in the year of our Lord 166⁸, one thousand six hundred and sixty-eight.

66

Memorandum,

57 Memorandum, that it is concluded and intended that by the bounds on the *east* side the river Mohegan, bounded to the north with Paccatannock river, is meant *only* to the bounds of *Norwich*, and not to intrench on the same.

Signed in presence of us,

John Mafon,
Daniel Witherly,
Charles Hill,
James Avery,
Cary Lathan.

The mark of \triangle Uncas.

The mark of $+$ Oweneco.

This is a true copy of the original, being examined and compared this 14th of October 1669

Per me John Allen, secretary.

The above-written is a true copy.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinzies, cler. cur. commiss.

Agreement between Uncas and Aramamet.

68 This writing witnesseth, that Uncas, Sachem of Moheag, in behalf of himself and people of Moheag and Nahantick, do hereby engage him and them to Aramamet, Seacutt, and Nessabeagen, gentlemen, of Connecticut, in behalf of the Indian people at Windsor, Podunk, Hartford, that they will carry it peaceably and neighbourly towards them and the aforesaid Indians, in that they will not, either secretly or publicly, contrive or practise any evil or mischief against them: and the aforesaid Aramamet, &c. engage, that they and the aforesaid Indians on the river will carry it peaceably towards the aforesaid Sachem and his people, and that they will neither plot nor practise any evil against the said Uncas and his people.—And whereas there is a difference about the bounds of lands and royalties belonging to the said Sachem and Aramamet, it is agreed between them, that the dividing bounds shall be at Ashawat to Wongunshoak, and so to Washiack, and from thence northerly; from which bounds the lands and royalties on the *east* shall be and remain to Uncas and his heirs, and from the said bounds on the *west* to Connecticut river shall be to Aramamet and his heirs; and this our agreement, and that we oblige ourselves and our heirs to stand to the same, we testify, by subscribing our marks.

It is agreed that Aramamet shall not impropriate unto himself any of the land that is on the *south* of the path that goes from Thomas Edward to Moheage.

Uncas \triangle his mark.

Aramamet \ominus his mark.

Seacutt Ω his mark.

Nessabeagen * his mark.

Quanampewett \in his mark.

This writing above was signed and delivered in preſence of us, who were appointed by the general aſſembly to hear and endeavour the ſaid Indians compliance, with the full and free conſent of both parties.

Recorded out of the original, this
Auguſt 3d 1666,

John Allen
William Wadſworth,
Thomas Stanton.

Per Daniel Clark, ſecretary.

The above-written is a true copy, as it ſtands recorded amongſt the public acts of the general aſſembly of her majeſty's colony of Connecticut of May the 10th 1666. 69

Teſt. Eleazar Kimberly, ſecretary.

A true copy, compared and examined

Per Ja. Meinzieſ, cler. cur. commiſſ.

Addition to New London bounds.

At a general aſſembly holden at Hartford, May 13th 1703.

Whereas the town of *New London* hath made application to this general aſſembly, that a ſmall tract of land, lying on the weſt ſide of the Great River in the ſaid town, between the *north* bounds of ſaid town, and the *north* eaſt bounds of the town of *Lyme*, and by a ſtraight line from the north eaſt corner of *Lyme* bounds to the ſouth weſt corner of *Norwich* bounds, as the ſaid bounds of *Norwich* runs down to Trading cove, and ſo, by the ſaid cove, to the ſaid Great River, be added to the township of New London, and a patent accordingly given for the whole township of New London to the proprietors thereof; this court grants, that the ſaid tract of land ſhall be added to the township of *New London*, and a patent granted to the proprietors of ſaid town for the whole township, ſigned by the governor and by the ſecretary by order of this general aſſembly: provided nevertheleſs, that whatſoever propertieſ, whether of Engliſh or Indians, that are within the ſaid tract of land ſo granted and added, ſhall be, and are hereby reſerved and ſaved, for the reſpective poſſeſſion, uſe, and improvement of the ſeveral proprietors of the ſame.

70

A true copy.

Teſt. Eleazar Kimberly, ſecretary.

A true copy, compared and examined

Per Ja. Meinzieſ, cler. cur. commiſſ.

The nine copies laſt above-written contained in the ſaid book, atteſted by the ſecretary, with the ſeal of the colony affixed, are all true copies, compared and examined with the ſaid book on file

Per me Ja. Meinzieſ, cler. cur. commiſſ.

M

UNCAS

UNCAS his deed to Major Mafon.

Moheagan, 15th August 1659.

Know all men by these presents, *that I Uncas and I Wawequa*, Sachems of the Moheagan country, do, in consideration of valuable considerations, do give, grant, bargain, and sell, unto Major John Mafon, Esq; *all our lands* that do belong unto our territories, possessed now by us, or that has belonged unto our predecessors; all lands, we say, or other conveniences belonging thereunto, *with all the corn and corn lands wheresoever*.—And we bind ourselves, heirs, and assigns, that the above-said Mafon, his heirs or assigns, shall peaceably enjoy the above-mentioned premises, without molestation or incumbrance, as witnesses our hands.

In presence of

William Thompson,
Thomas Leffingwell,
Benjamin Brewster.

The mark Δ of Uncas.
The mark O of Wawequa.

This was entered into record, August 15th 1705.

Per me Elnathan Minor, town clerk.

71 A true copy extracted out of Stonington records, Stonington, August the 20th
1705,

Per me Elnathan Minor, town clerk.

A true copy, compared and examined with the copy on file.

Attest. Ja. Meinziez, cler. cur. commiss.

Uncas, Oweneco, and Attawanhood's (Indian Sachems) confirmation to
Major Mafon.

Whereas we *Uncas, Oweneco, and Attawanhood*, Sachems of Moheag, have formerly, fully, and freely given and granted to *Major John Mafon*, his heirs and assigns, the benefit and profit of all such lands as doth belong to us, or either of us, *that shall at any time be sold or disposed* to any person or persons, to him the said Major Mafon, his heirs and assigns for ever; and now, for divers good causes and considerations, *we do ratify and confirm the same*: and we the said *Uncas, Oweneco, and Attawanhood*, do promise, engage, and bind ourselves, our heirs and successors, for the performance thereof, that he the said *Major Mafon*, his heirs and successors, shall have and receive to their proper use and behoof, *the one half* the profit and value of all such lands, woods, ponds, minerals, herbage, rents, &c. that shall at any time arise and accrue upon the *premises*: and we the said *Uncas, Oweneco, and Attawanhood*, do promise and firmly engage and bind ourselves, our heirs and successors for ever, that neither we, nor either of us, our heirs or successors for ever, *shall at any time make sale, or any way dispose of the premises, or any part of the same, without the consent and allowance of him the said Major Mafon, his heirs and successors*.

In

In witness whereof we have hereunto set our hands the 14th of December 1665.

In the presence of

Thomas Tracy,
John Tracy.

Uncas's Δ mark.
Oweneco's $+$ mark.
Attawanhood's O mark.

The above-written instrument was entered in Stonington book of records, August 15th 1705,

72

Per me Elnathan Minor, town clerk.

A true copy extracted out of Stonington book of records, August 20th 1705,

Per me Elnathan Minor, town clerk.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

General court's answer to Oweneco's request.

A general court held at Hartford, October 20th 1692.

This court, upon request of Oweneco, do fully approve *that those lands of Uncas's, which were by him given to Josiah, who is since deceased, be and belong to Mabomet for the future; and do declare, that said Mabomet is, and ought to be the next rightful Sachem of Moheag after Oweneco.* And whereas Oweneco hath desired *that his father's lands, recorded to him, may be confirmed to him and his son Mabomet, and that they may not pass it away to any, without it be with the consent of Captain Samuel Mason, and be acknowledged before him;* which the court allows of.

Extracted out of the court records,

Per John Allen, secretary.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

The survey of the Moheagan Sachems hereditary country, by Capt. J. Chandler.

A journal, or account of the several boundaries of the Moheagan country, as they were taken by us, the subscribers, who perambulated the same in July 1705, at and upon the request and desire of Oweneco, Sachem of Moheagan, and sundry gentlemen who are engaged for him.

Thursday, July 5th, we began at Ah-yoh-sup-suk, *having with us a copy of the general court records to direct in the affair, signed by the secretary of Connecticut colony.*

73

English

English present { Captain John Chandler,
Captain John Parke,
Serjeant Edward Colver,
Serjeant Samuel Sterry.

Indians present { Quatcheach, a Patchaug Indian, an old man.
Tuckitchiwen, a Moheagan, an old man.
Nebemnump } Shoutucket Indians, middle age.
Quedattum }

74 Ah-yoh-fup-fuck is a pond, near old Mr. Billings, in the bounds of Stonington, being about half a mile in length, and sixty perch wide; from the north west angle it extends S. W. 30. 120 perch, and north east 15. about 50 perch, which is accounted the S. E. corner bounds of the Moheagan country (*as by records may appear*) from whence we directed our course northward, unto Man-hum-squeeg, and so to the Falls, which lie to the southward of the pond called Mathapau, which said Falls are known to the Indians by the name of Ac-qui-unk: the course and distance from bound to bound, with the remarkables of each bound, is as followeth, being set down as near as could take the same: from Ah-yoh-fup-fuck course north, distance one mile to a pond of a mile in length, lying to the E. of N. and W. of S. having therein divers cedar islands and necks of lands: from Mah-man-fuck course N. N. E. dist. a mile and $\frac{2}{3}$ to a stone house or lodge of hollow rocks: from Sneek-fuck course N. E. 20, dist. a mile and $\frac{1}{2}$ to a pond lying N. W. and S. E. about 70 perch long, and 30 wide: from Yock-cow-wong-ga-muck course N. dist. a mile and $\frac{1}{2}$ to a pine hill, from whence we can see Egunk, and the flat rock: from Chau-ban-nungkue, course N. E. 20 dist. one mile and better, to a neck of land between Patchaug, and a brook that comes into it from the southward: from Shaw-waa-mug course N. dist. $\frac{3}{4}$ of a mile, to a small pond southward of a bare hill between Flat Rock and Egunk Cedar Swamp.—From Mai-o-man-fuck course N. E. 20, which brought us to Egunk, near the spring, at which time (being near dark) we took up our lodging.—The next day, being Friday, we proceeded in our course [Captain John Parke being gone home, and Major James Fitch present] to Pat-hig-wad-chaug, distant from the former boundary six miles and a half, being the north end of Egunk hill, where a great spring issues out, and runs down into Moosups, being about 40 perch to the westward of the river, where the road goes over from Plain-field to Providence.—From Pat hig-wad-chaug we continue our course, and leave Moosup's pond on the W. dist. 7 miles to the Whetstone country, being the spot resorted to for whetstones, called Man-hum-squeeg, and from thence course S. W. dist. 3 miles and $\frac{1}{2}$ to the Falls, where (on the east side) a little fort had formerly been built, in which was four holes or cellars (as they have been called; the compass of the fort was small, the distance from the Falls about 25 perch by measure.

Upon our enquiry, the Indians informed us it was built by Nemo, cousin to Weebux; that Nemo was master, and they knew him very well; that there never lived more than three families therein, besides Nemo; that they had themselves been entertained there, when they have come to get whetstones; that it was never accounted Ityams's Fort, nor did he ever dwell there; that the names of the Falls is Ac-qui-unk, and so known to all Indians that know the Falls; that it was never called Pow-tuo-ket,

two-ket but Pown-tuck, which is a general name for all falls; that there never was an acre of ground planted near said fort, nor above two or three acres in some miles of it; and it was planted by none but Nemo and these three families.

Tuesday, July 17th, we proceeded upon the perambulating of the Moheag Sachems boundaries, beginning at the Upper Falls, known by the name of Ac-qui-unk, near unto which is the remain of the old fort fore-mentioned. 75

English present { Captain John Chandler,
Mr. Elifha Pain,
Serjeant Edward Culver.

Indians present { Youk-youm-pun, a Shoutucket Indian, aged about 66 years.
Captain Pen-shans, aged 30, a Shoutucket.

We enquired of said Indians concerning said fort, who agreed in their account thereof with the forementioned Indians: we measured the circumference of the fort and the extremity thereof, including the bastions, exceeded not 11 perch 16 inches. Youk-youm-pun declared that he was well acquainted with Nemo, had often been with him in the fort, and that it is about 36 years since it was built: the height of the ground where the fort stood, is but about four or five foot higher than the bank of the river at said Falls.

From Ac-qui-unk our course was W. N. W. to Ap-pa-quoag, dist. about seven miles, which is the N. E. corner of Windham bounds.

From Ap-pa-quoag to We-am-man-tuck, course W. 20. N. dist. nine miles, to a place called Ow-wee-on-hung-ga-nuck, about half a mile below the road from Hartford to Woodstock, at the place where the people usually go to catch salmon, which course we continued, and at the distance of six miles we came to Mohenups-suck, at the fourth end of a pond, the length of which lies N. and S. but a mile and half long, which said pond is called the Moheagan N. W. bounds or corner; we were very diligent to get to this pond on Wednesday night.

Thursday we proceeded upon the W. boundary, course S. W. about 10°, which brought us to Wi-ash-qua-gwun-suck, where Hartford road goes (through the north of the mountain) to the Cedar Swamp, and so upon that course to Waffiog, the fourth end of a very high hill, distant about ten miles and half. 76

July 24th and 25th, having only exchanged Youk-youm-pun, and got in his place Tuc-kitch-i-won, we proceeded from Waffiog to Ung-gwon-shack-cook, the course something more westerly, distant about six miles and a half, being at the crutch of a river, called by the English Fawn River, where the road crosses the line from Colchester to Hartford.

The course to Hockanum, as the Indians describe it, is N. W. the distance supposed to be 15 miles, and from Ung-gwon-sha-cook to Jeremy's Back, or W. end of Colchester town plat, as the road goes easterly, is three mile and half by measure;
N from

from Ung-gwon-sha-cook to Ash-u-wang is one Mile; from thence to Wat-ti-ompfk (being a great rock in Connecticut river) called by the English Stone's Rocks, we judge it to be nine miles and half; Eight Mile Island bears from hence S. 28. E. distant about a mile.

From Wat-ti-ompfk, course E. by N. northerly to Win-foh-chook, near two miles and a half, being a great cliff of rocks on the west side of Eight Mile River, from thence to Pump-in-bash-oonk, course more easterly, distant two miles and a half, where we pass by Lyme Cedar Swamp, from thence to Pood-humfk, three mile and a half, being the top of a great hill, and to Mash-a-pe-quot-hig-funk-a-pog, near seven miles and a half, where we got on Friday July 27th.

The foregoing places are all very remarkable, and their situation described in a map or plate bearing date August the first 1705.

From Mash-a-pe-quot-hig-funk-a-pog to Ah-yoh-fup-fuck is about eight miles.

Signed by { John Chandler,
Elisha Pain,
Samuel Sterry,
Edward Culver.

77 The forementioned account of the Moheagan Sachems boundaries, according to the best of our judgment, is truth, whole truth, and nothing but the truth, *according to the records of the general court*, and information of the Indian pilots, who went with us from place to place; and moreover, that, according to the *aforsaid records*, his bounds of the Wabequoffet country lieth to the northward of, and adjoining to the north bounds of, *this his hereditary country*.

Mr. Elisha Pain and Serjeant Samuel Sterry being present, as is therein signified.

Canterbury, August 2d 1705.

Captain John Chandler, late surveyor for the county of New London, and Serjeant Edward Culver of Lebanon, both of them personally appeared, and made oath to the above-written before me

Jonathan Tracy, one of the justices for New London county.

Samuel Sterry of Preston, being well acquainted with the Indian language, was, with Captain John Chandler and Serjeant Edward Culver, and several Indians, in running the Moheag Sachems east bounds, begun at the S. E. corner, at a pond called Ash yoh-fap-fuck, from which pond, running northward from place to place, mentioned in the general court records, to Man-hum-squeeg, the N. E. corner, then running south westerly to Quinabaug Great Falls, the said Sterry, by hunting in the woods, *was knowing to most of the several bounds mentioned in the general court records*, and that he, the said Sterry, did interpret according to his best skill and knowledge.

Canterbury,

Canterbury, August 2d 1705.

The above-said *Samuel Sterry* personally appeared, and *made oath* to the above-written before me

Jonathan Tracy, one of the justices for New London county.

I *Elifba Pain* of Canterbury, being present, and assisting with Captain John Chandler and Serjeant Edward Culver, and several Indians, in running the Moheag Sachems N. and W. and S. bounds, beginning at the Great Falls in Queenabaug River, and helped to measure said fort, from whence we run from bound to bound to Mohe-nups-fuck, the N. W. corner, from thence to Wat-ti-omsk, which is a rock in Connecticut river, and from thence easterly to Mash-a-pe-quot-tuck-funk-a-pog, as in the map and foregoing return is situate and described, do judge, *that according to the general court's records, and Indian information*, the said places are part of the bounds of the Moheag Sachems hereditary country.

78

Canterbury, August 2d 1705.

The above-said *Elifba Pain* personally appeared, and *made oath* to the above-written before me

Jonathan Tracy, one of the justices for New London county.

A true copy, compared and examined with the original on file.

Ja. Meinzies, cler. cur. commiff.

Whereas Mr. Foot did some years since obtain a writing from Oweneco, Sachem of Moheagan, *for a tract of land called Colebester*; I being present did say to Mr. Foot, that Oweneco *was not capable to understand what he did*, by reason, as I judged, *he was in drink*; Mr. Foot answered me it would be as good as other Indian deeds.

Prentiss's test.
timony relative to
Foot's
guilt.

John Prents, surveyor.

Captain John Prents's survey and return of the lands laid out by him, between New London and Norwich.

Land laid out to the persons under-written, in land last granted to New London, between *Norwich and New London*.

	Acres.
To Mr. Saltonstall and the governor	400
Mr. Plumb and Mr. Rogers	130
Captain Witherly	200
Mr. Caleb Watton	200
Rogers	50
Minor	100
Skerret	50
James Harris	100
Jones	

79

	Acres.
Jones and Jones	150
Gilbert	200
Ferguson	100
Samuel Rogers	300
John Tong	100
Jonathan Hill and John Plumb	200
Samuel Chefter	100
Charles Hill	200

John Prents, surveyor.

Stonington, August 24th 1705.

Captain Prents appeared in court, and made oath to the above written return of the survey made by him.

Attest. Ja. Meinzies, cler.

A true copy of the original on file, compared and examined

Per Ja. Meinzies, cler. cur. commiss.

Captain Prents's survey and return of *Governor Winthrop's and Mr. Saltonstall's* farm of two hundred acres each, with the general court's approving of said return. [The survey of this contains one thousand two hundred acres given upon oath.] And court's grant to them accordingly.

At a general court held at Hartford, May 14th 1705.

So Pursuant to the grants made by the honourable general assembly, sitting at Hartford, in October 1698, unto John Winthrop, Esq; and Mr. Gardon Saltonstall, both of New London, of *two hundred* acres of land to each of them, there was laid out, by me John Prents, surveyor, the land which is and was then bounded by me, as followeth, viz. the north bounds is a line running from a pine tree by the side of a pond, above Mr. Samuel Rogers's farm, commonly called Twenty Mile Pond, standing on the east side of said pond due east 240 rods, to a great white oak marked on four sides (for a corner tree N. E.) which white oak is on the top of a long fair plain hill, and fair in sight of a hollow, where there is a small swamp on the east of it; and from thence (for the east bounds) a line which runs due south, to a young chestnut tree on the east side of the little pond, which chestnut tree stands within a rod of said pond under a clift of rocks, and is marked on four sides for a south east corner; and from thence (for the south bounds) a line which runs due west 240 rods, to a large fair spreading white oak upon the brow of a hill, with a plain on the top, which white oak is within ten rod of a fresh meadow with high rocks three or four in the middle of it, and bearing from the said tree about N. N. W. which tree is marked on four sides for the south west corner, and from thence (for the west bounds) a line running north by the west side of a small island in the aforesaid great pond, and

so north to the afore-mentioned pine-tree on the east side of the said great pond, marked on four sides for the north-west corner, containing four hundred acres, *more or less*.

This land was thus bounded and laid out to the abovesaid John Winthrop, Esq; and Mr. Gurdon Saltonstall, as is above expressed, February 20th 1698-9.

John Prents, surveyor.

The *general assembly* having considered the survey of the land above described, laid out for the honourable *John Winthrop, Esq; and Mr. Gurdon Saltonstall*, containing, for each of them, *two hundred acres* of land, do approve thereof, and do grant that the gentlemen, to whom the said land is laid out as is above expressed, shall have and enjoy the same to themselves and their heirs for ever, provided it do not interfere upon any former grant.

The above written is a true copy.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinzius, cler. cur. commiss.

The general court's grant to Colchester.

24

At a general assembly holden at Hartford, May 11th 1699.

Ordered and enacted by this assembly, That the *north* bounds of the *new plantation*, granted at or near Jeremy's Farm, upon the road to New London, shall be, as formerly, at Twenty-mile River, and the *south* bounds to join to the north bounds of *Lyme*, and the *west* bounds to join to the east bounds of *Middletown*, and the east bounds of *Haddam*, and the east and north-east bounds to run to the bounds of *Lebanon* and *Norwich*, as it shall be stated by the committee now chosen by the court to survey these lands; the bounds of the said new plantation to be so stated as not to prejudice former grants.

A true copy.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinzius, cler. cur. commiss.

The general court's second grant to Colchester.

At a general court held at Hartford, May 13th 1703.

This court grants, that Mr. *John Bulkley*, Mr. Samuel Gilbert, Mr. Michael Tainter, Samuel Northam, John Addams, Joseph Pomeroy, Samuel Loomis, James Brown, Joseph Pratt, and the rest of the proprietors or freeholders in the township
O of

of Colchester, shall have a patent given them for the whole township, to be signed according to law.

The above written is a true copy.

Test. Eleazar Kimberly, secretary.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

Governor Winthrop's order to discharge the running of the line of the Moheagan lands.

82 John Winthrop, Esq; governor of her majesty's colony of Connecticut, to the sheriff of New-London county, greeting :

Whereas I am informed that some persons have appointed to meet this day at the town of Preston, in order to run some line or lines through some of the towns on the east side New London river in this colony, without application first made, and liberty obtained from the general assembly, contrary to former practices in such cases; I have therefore thought good, with the advice of the council, *for the peace of the government*, and for the prevention of any such unwarrantable action, to order and command you, and do hereby, in her majesty's name, require you immediately to repair to the town of Preston, and if you find there any persons met together for the design aforesaid, you are, in her majesty's name, to forewarn them from any such proceeding, or running any pretended lines through or between any town or towns in this government, without liberty first had from the general court, or council thereof, as they will answer their contempt; and in case they or any of them shall, notwithstanding the same, proceed to run the line or lines above mentioned, these are, in her majesty's name, to will and require you to take the said offenders, and them bring forthwith before me in council at New London, to answer the aforesaid contempt: hereof fail not: and you are also hereby impowered take what assistance is necessary. Dated in New London, *July* the 3d, in the fourth year of her majesty's reign, annoque Domini 1705.

J. WINTHROP.

Vera copia, John Prents, sheriff.

Memorandum, that *Major Fitch* was necessitated to give a *bond of 100 l. to indemnify the surveyor*, or otherwise the matter had, upon the foregoing warrant, ceased.

The above written is a true copy of the governor's order and memorandum, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

83

E V I D E N C E.

Nicholas Hallam of New London saith, that about two or three years ago, he, the said Hallam, was desired by Capt. Samuel Mafon, on behalf of the Moheagan Indians,

dians, to assist in running the line between New London north bounds and the Indians lands, called Moheagan lands, belonging to the Moheagan Indians; but this deponent, and those who were to run the line, could not agree in running the same, by reason of variation in the compass, which was best part of a point; and that this deponent went, with some of the Moheagan Indians, down to the river called Norwich river, where the said Indians shewed this deponent a rock in the said river, saying that was their bounds between New London and them; and that when this deponent came to the said river, *it being a cold snowy day, he met with about thirty or forty Moheagan Indians, men, women, and children, in a very poor and naked condition, many of them crying lamentably*; whereupon this deponent asked said Indians the reason of their being in that condition, who told this deponent, *that the governor had been up with them that day, and had drove them from their planting land, which they had enjoyed ever since the English came into the country, and that they were not willing to leave the English, unless they were forced to it*: and this deponent further saith, that in May last was two years, he was present in the general assembly at Hartford, and did see several of the chief of the said Moheagan Indians there, who said they came to see if they could get their land again; and this deponent then heard Capt. Daniel Clark publicly declare, in behalf of said Indians, that they were wronged, and that the said Indians lands had been taken from them, contrary to agreement between the governor of Connecticut colony and the said Indians; notwithstanding which, the said general assembly enlarged New London bounds, and run the same to Norwich bounds, which takes in all the lands commonly called the Moheagan Fields: and this deponent saith he heard Ben Uncas, one of the Moheagan Indians Sachems, say the government had wronged them, and taken their lands from them, and that if the said Sachem had money he would go for England and make his complaint: this deponent further saith, that at the abovesaid general assembly, Major Samuel Mafon applied, along with said Capt. Daniel Clark, and in behalf of said Indians, and prayed the said assembly to do the Indians justice, and to bear them, saying, *in case they would not grant them relief, the said case should go farther.*

84

NICHOLAS HALLAM.

This deponent further saith, that notwithstanding the persons on both sides could not agree, yet these persons that were on the behalf of New London run away east by the compass, which made near an east and by north line, and did dig up trenches, and heaved up heaps of stones, and marked trees; and when they came to Norwich river it fell better than a mile above the rock, commonly reckoned to be the rocks which was the bounds between New London and the said Indians, *which said mile was into the Moheagan lands.*

August 24th 1705, sworn in court.

Attest. Ja. Meinziez, clerk.

The within mentioned Samuel Mafon was son of Major John Mafon, the first patron and trustee of the Moheagan Indians, and for a long time an assistant of the colony; and, after the death of his said father, had the care of the said Moheagans, to their great satisfaction.

And the within named Capt. Daniel Clark is Daniel Clark, Esq; *one of the original patentees of the colony of Connecticut, and for a long time an assistant and secretary of the government, and at the time attorney for Owenecho and the Moheagans.*

The above written declared by the within mentioned Nicholas Hallam after his giving the within evidence in court.

Attest. James Meinziez, cler. cur. commiss.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

EVIDENCE.

We whose names are hereunto subscribed, *inhabitants in the town of Norwich, in the county of New London*, which township was purchased of the Moheagan Sachems, and is adjoining to the said Moheagans lands on the south, to say, on the west side of New London river, where the Indians now live, and also adjoining westwards on lands reserved by said Indians to hunt upon; the said land on the south of our town bounds by the last general assembly was granted as an addition to the township of New London; and also the said land westward of our town bounds, is by the general court granted to Colchester; *which is all the land the said Moheagan Sachems have right unto at this time that we know of, either for hunting or planting.*

August 24th 1705, sworn in court,

Attest. James Meinziez, clerk.

Solomon Tracy, lieutenant,
Thomas Leffingwell, lieutenant,
Thomas Leffingwell jun. ensign,
Richard Bushnell.

A true copy, compared and examined with the original on file

Per Ja. Meinziez, cler. cur. commiss.

EVIDENCE.

We the subscribers, *inhabitants in the town of New London, in the county of New London*, part of which township was purchased of the Sachems of Moheagan, and the bounds between the said town and the said Sachems was formerly stated as we have understood, and as by deed from said Sachems on record doth or may appear; neither have we known or heard of any difference or controversy between the English inhabitants of New London, and the Sachems of Moheag, respecting the bounds between New London and them (said Indians): and further, according as we have been informed and have understood, the lands lately granted for a township, and called by the name of Colchester, *was (by the Moheagan Sachems) reserved for hunting ground; but we have lately been informed that the land which was reserved by the said Sachems for planting grounds, lying between the south bounds of Norwich,*

which and the north bounds of New London, is, by a grant of the general court held in May last, added to the township of said New London, to the great grievance and dissatisfaction of the said Sachems, they not having any lands left, either for planting or hunting that we know of, but what is under such incumbrance.

New London, August 2d 1703.

Stonington, August 24th 1705.

Sworn in court.

Attest. Ja. Meinziez, cler.

James Avery, lieutenant,

John Avery, captain,

John Faning,

Samuel Avery.

A true copy of the original on file, compared and examined.

Attest. Ja. Meinziez, cler. cur. commiss.

CERTIFICATE AND EVIDENCE.

87

The subscriber by the ensuing lines doth certify and declare, that I have, in behalf of Oweneco as his attorney, exhibited his complaints to the honoured general assembly of Connecticut, of wrong done unto him, about land belonging to him that have been entered upon by persons without satisfaction rendered unto him for said lands; and I do not remember that at any time I have prevailed to obtain redress of his conceived wrongs in the premises.

Windfor, March 8th 1705.

DANIEL CLARK.

24th August 1705, *sworn in court.*

Attest. Ja. Meinziez, cler.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

Indians answer when their assistance was last demanded.

Norwich, September 2d 1703.

We underwritten, by order of the governor and council, having called the council of the Moheags together pursuant to order, gave them an account of the occasion of calling them together at this time, proposals being made pursuant thereunto.

Ben. replied, As to his present going out it was not in obedience to any order, but in the defence of the cause, and for the sake of some friends, for he had no land to fight for now.

P

Papepainte,

38 Papepainte, one of the council, his speech.—We have been friends to the English in Major Maſon's time, *and uſed to attend his advice*; and ſince, the advice of *Captain Maſon*: formerly there was no ſuch thing as taking an account of our names; it ſeems ſtrange that ſuch a thing ſhould be deſired now; we deſire for to know the reaſon of it.

Papaquanaitt his ſpeech.—In the Pequot war, he ſaid, that they gave their heads to the Engliſh; in the Narraganſet and Parentuck war, they gave their heads to the Engliſh; and they have lately done the ſame to the eaſtward in the war with the Indians and French there; and there is no ſtrange thing with us; if there be any ſtrange it is among themſelves.

Aſnehunt ſaid as aboveſaid, only adds this further.—The Engliſh *had turned them out of their houſes in the time of ſnow from Maſſapeage, which occaſioned their women and children to cry*; yet they have now ſent out ſcouts, as they and the Engliſh have been friends and brethren, ſo they are our brethren ſtill; there is no ſtrange thing in us: we aſked them who turned them out, he ſaid *the governor laſt ſpring*.

Appageſe his ſpeech.—He ſaith, from a boy their ground and he grew up together, and they have always been friends to the Engliſh, *and why our ground and we ſhould be parted now, we know not*.

89 Mahomet his ſpeech.—He ſaid there was four of his men taken at Colcheſter the laſt winter, and carried to New London, and there threatened to be hanged, when they had done nothing worſe than that they went into a cellar *and warmed themſelves by the fire*, which he ſaid ſeemed ſtrange to him, and he was aſhamed.—Furthermore, Mahomet and *all the council* preſent declared, they deſired to know the reaſon why their names ſhould be inrolled; and when a ſaſtifying reaſon ſhould be given, they ſhould be ready to comply with it; and alſo they will (as they uſed for to do) give an account of any ſtranger that comes amongſt them, or of any ſtrange news which they hear.

SAMUEL MASON.
RICHARD BUSHNELL;

A true copy, compared and examined
Per Ja. Meinziez, cler. cur. commiſſ.

The commiſſioners letter to the governor and company of Connecticut.

Stonington in Connecticut colony, Auguſt 25th 1705.

Gentlemen,

We have before us a copy of her majeſty's moſt gracious letter to yourſelves, ſtrictly charging and commanding you to pay all due obedience to her majeſty's commiſſion, which we are now in the *execution* of, as we are commanded; and farther,

sa ther, the said letter contains, that it is her majesty's royal will and pleasure, that if upon enquiry it be found that the said Indians have been deprived of their lands, you immediately cause them to be put into possession thereof, notwithstanding any act or order of the general court of the colony of Connecticut; which letters were dated the *twenty-third day of March 1701*, in the third year of her majesty's reign.

We have, therefore, thought fit to acquaint you, that it is considered and determined by the said court of our said lady the queen, that the said Oweneco Uncas and the Moheagan Indians shall be immediately put into the possession of all their planting ground, lying between New London and Norwich, *containing eight miles in length, and four miles in breadth, or thereabouts, as the same is surveyed and marked, as also of another smaller tract upon the north bounds of Lyme, containing nine miles in length, and two miles in breadth, the westerly end whereof lies upon Connecticut river; and also one other larger tract of hunting land, between the bounds of Norwich, Lyme, Lebanon, Haddam, and Metabeset; and also, that the said Oweneco and the Moheagan Indians, be restored to the improvement of their planting grounds, called Masepage, within New London aforesaid; and also, that the said Oweneco Uncas recover his just costs and charges.*

90

This being the judgment and determination of the commissioners under-written, wherein they are *unanimous*, we doubt not will be acceptable to you, and that you will strictly obey her majesty's commands forthwith, to put the said Oweneco Uncas and the Moheagan Indians into the possession of the several parcels of land accordingly.

We are, gentlemen,

Your very humble servants,

To the honourable the governor
and company of her majesty's co-
lony of Connecticut.

J. Dudley,
Edward Falmes,
G. Sylvester,
Jahleel Brenton,
Nathaniel Byfield,
James Avery,
John Avery,
John Morgan,
Thomas Leffingwell.

A true copy of the original, compared and examined.

Attest. Ja. Meinziez, cler. cur. commiss.

A true copy, compared and examined

Per Ja. Meinziez, cler. cur. commiss.

COLONY

COLONY OF CONNECTICUT.

A Bill of Costs.

At a court of enquiry, examination, and determination of the complaint of Oweneco, Sachem of the Mohegan Indians, against the government of the said colony of Connecticut, and other persons that have deprived the said Sachem and Moheagans of their land, holden at Stonington, in the colony aforesaid, on the 23d day of August 1705, in the fourth year of her majesty's reign.

OWENECO, Sachem, complainant,
vers.

The GOVERNMENT, &c. defendant.

The complainant's bill of costs.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
To Captain Clark and others, for managing fundry complaints at Hartford court,		6	17	0
To the agent going for England to make complaint to her majesty, and procuring the commission,		200	0	0
To fundry journeys by Captain Mafon, since Major Mafon's decease, with expences,		14	18	0
To fundry journeys by Lieutenant Daniel Mafon, expences and entertainment of fundry persons,		22	14	0
To fundry journeys by Major Mafon deceased, and expences,		66	0	0
To Captain Chandler, with fundry others perambulating the bound of Oweneco's whole country,		30	0	0
To two persons from Boston retained as council for Oweneco, —		30	0	0
To Mr. Elisha Pain, sheriff, for summoning fundry persons, 880 miles travel, and attendance at court,		15	0	0
To Mr. Jedidiah Fitch summoning fundry persons 266 miles, and attendance at court,		8	0	0
To fundry persons attending as evidence, and coming and going,		5	12	0
To fundry expences, per Captain Daniel Fitch, and copies of records,		6	10	0
To fundry expences paid Major Fitch in journeys, &c.		12	0	0
To Oweneco and fundry Indians entertainment in time of court, per Captain John Mafon,		6	0	0
To Mr. Saxton's bill for his excellency and the rest of the court's entertainment,		53	1	8
To Oweneco and the gentlemen concerned for him attending on the court,		7	0	0
Carry over		L. 483	12	8

To cash paid by Lieutenant Daniel and Captain John Mason, to defray the charge of his excellency and the prisoners to Stonington,	Brought over	L.	483	12	8
	general commissi-		50	0	0
To the clerks fees, travel, attendance, and records sent home,			40	0	0
		L.	573	12	8

Allowed. J. DUDLEY.

A true copy, compared and examined

Per Ja. Meinzie, cler. cur. commiss.

Minutes of Court.

Colony of Connecticut, } At a court of enquiry, examination, and determining of
Stonington, ff. } the complaint of Oweneco, Sachem of the Moheagan Indians, *against* the government of *Connecticut colony*, and other persons that have deprived the said Sachem and Moheagans of their lands, holden at Stonington the 23d day of August 1705, in the fourth year of her majesty's reign, Anne, queen of England, &c. by virtue of her majesty's commission, under the great seal of England, bearing date the 19th day of July 1704. 93

COMMISSIONERS PRESENT.

His excellency Joseph Dudley, Esq; president,

Edward Palmes, Esq;

Giles Silvester,

Jahleel Brenton,

Nathaniel Byfield,

Thomas Hooker,

James Avery,

John Avery,

John Morgan,

Thomas Leffingwell.

The commission being read, and the commissioners all legally sworn,

James Meinzie, appointed clerk to the commissioners, being legally sworn in the presence of his excellency.

The court was opened, and all parties concerned called.

William Pitkin, Esq; delivered to his excellency a letter from the governor of Connecticut (a copy thereof on file) signifying that he had impowered the said Pitkin
Q and

and others to wait on his excellency, and shew the unreasonableness of the Indians complaints; and then the said Pitkin delivered a copy of the said commission, that they might be in readiness next morning to answer the same; which the court ordered to be given to him.

Then the court was adjourned to the 24th of August, at seven of the clock in the morning, at the same place, and all parties concerned ordered to attend at the said time and place.

August 24th 1705.

94

Commissioners present as above.

The persons appointed by the government of Connecticut as above appeared, and, before opening of the court, *offered to interrupt the court* by offering a paper protesting against the proceedings of the court.—His excellency desired them to stay until the court was opened, and they should be heard, and ordered the court to be opened, which was accordingly done.

Eleazar Kimberly, secretary of the colony of Connecticut, came into the court with the said paper in his hand, and said that he, with the other commissioners for Connecticut, was ordered to protest against the proceedings of the court; his excellency desired them to stay till the complaint of Oweneco was read, and then they, being defendants, should be heard as long as they pleased, and ordered the reading of the said complaint; but in the time of reading thereof, Kimberly went behind his excellency's back, and there read his said paper or writing, on purpose to interrupt the said court.

His excellency then ordered them to attend while the cause was proceeding, and not to interrupt.

Mr. Saltonstall made answer, I am under very hard circumstances, for your excellency commands me to attend here, and the government forbids me to appear here; what shall I do? the queen's commands are contradictory the one to the other.

William Whiting, one of the persons appointed by the said government of Connecticut, said the court had nothing to do here; and went about a rod distance from the court, and there with others read a proclamation, requiring and commanding all persons within the said government not to appear or answer at the said court; the sheriff of the county commanding silence to the interruption of her majesty's commission.

95

The court proceeded, and after Oweneco's complaint was read, Paul Dudley, Esq; council for the complainant, moved the court, that, in order to prove Oweneco's being the Moheagan Sachem, the Moheagan Indians there present should be called, in number about 50 men; *who being called, all of them owned and declared Oweneco to be their Sachem; after which Mr. Dudley produced for the complainant a covenant and agree-*

* agreement between the English inhabitants on the river of Connecticut and the Indian Sachems (of whom the complainant's father, Uncas, was one) dated 21st of September 1638. * Vide p. 33.

Produced and gave into court the † genealogy of the family of Uncas, father of Oweneco the Moheagan Sachem, with several other writings on file, *being all extracted and attested from the records of Connecticut colony.* † Vide p. 38.

Mr. *Thomas Jeffingswell*, one of the commissioners, declared, that in the year 1637 he was well acquainted with Uncas, the Sachem of the Moheagan Indians, and that the said Sachem did then, *and at the first setting down of the English at Norwich* (when but a small number) *always assist the English*, and ever there after during his life; and that Oweneco his son hath ever since continued to assist the English in all the wars, and in particular the Narraganset war, *where he was present himself to command the Moheagan Indians.*

Captain *Daniel Clark* deposeth, that Oweneco is the Moheagan Sachem, and hath always been assisting to the English, and made several treaties with them, *and never broke any his articles thereof in the least*, and that the government of Connecticut owned him to be the Moheagan Sachem, *and the deponent was then a magistrate, and some time secretary, in the said colony for sundry years together*, and he knows this Oweneco to be the reputed son of Uncas, the Moheagan Sachem. 96

Sworn in court.

The commissioners for the government of Connecticut coming a second time and interrupting the court, by giving in their said writing or protestation,

His excellency communicated governor Winthrop's letter †, directed to him, to the † vide p. 32 court, and ordered the reading thereof, giving account that the said governor had empowered William Pitkin, John Chester, Eleazar Kimberly, Esq; Major Wanting, Mr. John Eliot, and Mr. Richard Lord, to wait on his excellency, and shew the unreasonableness of the complaints; *who being called refused to answer to the court*, the said Whiting saying *they had nothing to do there, and he did not own them to be a court*; Mr. Chester adding these words, *We are not to be put upon by you, Mr. Dudley (addressing himself to Colonel Dudley)*; whereupon the court ordered governor Winthrop's letter, and the above-named commissioner's protestation, to be put on file.

Captain *John Prents*, sheriff of the county of New-London, came and told the court he *was in the service of the government of Connecticut*, and could not answer to the court, *being forbidden and discharged by the said government*; but being then desired to give evidence in the said matters (while he was swearing) *he was several times called by the arm, and at last pulled away.*

Mr. *Gurdon Saltonstall* refused to submit to this court, but would wholly submit to his excellency, for he is forbid by the government to answer any thing to this court.

Wile p. 47.
the engrave
ed plan.

Captain *John Chandler* appeared, and gave in the account of the survey of the Moheagan country, with the plat drawn by him; whereto he the said Chandler, *Elisha Pain*, *Edward Culver*, and *Samuel Sterry*, were all sworn in court.

Mr. *Saltonstall* offered to prove that several persons in that court had bought part of the Indian lands, naming Captain *Avery*; but their government had forbid him to appear at said court, otherwise he would prove it, and said they are no court.

Captain *Busbnell*, *Samuel Latbrop*, and *Joseph Busbnell*, being desired by Captain *Mason* to go to the lands between New-London and Norwich, formerly called the Moheagan lands, and that they went with Captain *Prentis* the surveyor, and laid out the lands within the sequestered lands; as by Captain *Prentis* return, sworn to by him in court, will appear.

Sworn by Captain *Busbnell*, &c. in court.

John Hubborn being present, with *Elisha Pain*, at running the bounds of governor *Winthrop* and Mr. *Saltonstall*'s farm, laid out to them by Captain *John Prents*, for four hundred acres, which amounts to eleven hundred and odd acres, as by Mr. *Pain*'s map will appear; which was sworn in court.

Edward Culver, *John Chandler*, and *Elisha Pain*, swear, that the town of *Colchester* do improve the lands belonging to the Moheagan Indians, formerly reserved to the said Indians in the tract of their hunting ground. Sworn in court at *Colchester*.

Joshua Ripley swears, that the persons summoned for intruders upon the Indian lands at *Mannaquag* are within the Moheagan lands. Sworn in court.

Edward Culver swears, that all the land to the southward of the west line, the divisional line made by the court between *Abimaleck* and *Oweneco* (except a small parcel) is improved by particular persons belonging to *Lebanon*, *Colchester*, and *New-London*; and further adds, that *Thomas Porter* of *Lebanon* improves lands without *Lebanon* line belonging to the Indians, within the bounds of the Moheagan lands belonging to *Oweneco*. Sworn in court.

93 Now the persons appointed by governor *Winthrop* to answer the complaint of *Oweneco* were three times called, but did not appear.

The court adjourned till three of the clock in the afternoon.

Post Meridiem:

The court called. The commissioners above-named being all present, Captain *Chandler* swears, that *John Smith*, and all the other persons summoned for intruding upon the Moheagan lands in *Plainfield*, except *Ephraim Fellows sen.* do improve lands in *Plainfield*, within the Moheagans bounds, according to the survey taken by said *Chandler* given into the court.

Major

Heart River

das

A
(M) (A) (P)
OF THE
(M) (A) (P)
Mobeagan Sachems
(H) (E) (R) (I) (T) (A) (R) (Y) (C) (O) (U) (N) (T) (R) (Y)

Platted Aug: 1st 1705.

By John Chandler, Surveyor.

Pond Ah-Ye

Pond Mat

Stonehouse Neck of a River

Pond Yock-e

Pine Hill Chas

Neck of land
by Parchaug Shat
May

Eggnack Sack

Spring Pat-hay
chang

gwan-Suck

Or
Nemo's a
Fort

Whetstone
Country

Man-hum-Sy

Sack

Hock-kau-hum-path
Arreant-met

Thomas Edwards

Eight
in Com

ALC
win-Sat

Line Cedar Swamp

Pom-pro-buck-wank

A heap of
living Malabar
purchased of
Six miles from

Pad-hum-sk

Masha-puquot-buck-sundapog
Or Cold Spring

Colchester

Pond Ah-Eth-Sup Suck

Pond Mah-man Suck

Stonehouse Suck-Suck

Preston

Norwich

Pond Vok-cornwong-ga-nuck

Pine Hill Chau-ban-nungkac

Neck of land
by Purchase Shaw-wag-mag

Maj-o-man-suck

Fidds

Lebanon

Eggs Sank-a-poug

Plainfield

Cinderbury

Majors Fitch's
house

Windsor

Spring Pat-lag-wad-
chung

Oc-qui-unk

Nemo's
Birt

Whetstone
Country

Man-hum-Squeeg

A laggry Meadow
The Wabegun Country called the
Mohegan Conquered Country



Appa quag

Mansfield

Or-wae-nung
gam-nunick

Road from

We-am-man Tuck

Wood

Mile Island
secticut River
Eight Mile River
Rock
Connecticut River
Natchumalus

Thomas
Edward's East Boundary
December 1702 being
"Wattumuck".

A
(M) (A) (P)
OF THE
(Mokaugan Sachems)
(Hereditary Country)

Platted Aug. 1st 1705.

By John Chandler, Surveyor.

Ash-o-Wig
the Crotch of a River

Wig-guan-Suck Cook

Hock-kan-nam-path
Erramus-met

Wa-sioug A high Hill

Thomas Edwards

Rock to Hartford

Wi-ash-gua-guan-Suck

Moshe Nup Suck



Major James Fitch swears, John Smith, John Gallop jun. John Fellows, and the others summoned for the intruding on Plainfield, *improved the lands on Plainfield, within the Moheagan bounds, as above expressed by Captain Chandler.*

Elisba Pain and Jedidiab Fitch, constituted sheriffs, do swear, that *all* the persons above named, and *all* contained in a list given in by them, were *all* legally summoned by virtue of the orders and warrants to them directed, as appears on file; *which persons were all called in court, but did not appear.*

Oweneco's council moved to the court to have him called, to know if he hath any other places where he would have enquiry made of.

The said Oweneco appearing, Major James Fitch swears, that some time, by past, *above twenty years*, Oweneco made complaint to the general assembly of Connecticut, that the town of Lyme had *intruded upon his lands* and wronged him, and that the general court had ordered some persons to redress him, *but never heard he had any redress.*

Elisba Pain swears, that when he was with Captain Chandler, running the line of the Moheagan country, *they were stopped* by some persons, inhabitants of Lyme, saying the line they would run was two miles within the bounds of Lyme.

The council for Oweneco having concluded that the lands above-mentioned were *illegally* taken from the Moheagans, therefore prayed the commissioners for redress.

99

Whereupon the court desired to be informed, if there were any other lands left for Oweneco to plant upon, *he having one hundred and fifty fighting men, and one hundred of them in the queen's service last year* at the eastward, who did her majesty good service, Major James Fitch and Captain John Mafon declared *there was no other lands they knew of.*

Major James Fitch testifieth, concerning a riot alledged to be done by the Indians at Colchester, that before that time Major Mafon had made *many* addresses to the government of Connecticut, on behalf of the Indians, *but could have no relief.*

And, on the contrary, the governor and Mr. Saltonstall's farms were *laid out in their bounds*: and farther saith, that about two months, by past, he being to run the line for the Indians, *was stopped, and discharged by a warrant from the governor of Connecticut to the sheriff.*

A certificate produced, signed by Major Mafon and Richard Buxnell, of the Indians being disturbed, by the government, and other intrusions on the lands as above-mentioned.

The court adjourned until the morrow at eight of the clock in the morning, to meet at the same place.

Die Sabbati, Auguft 25th 1705.

The court called and opened, all the commissioners above-named being present.

Captain Griswold of *Lyme* appeared in the behalf of William Lord of *Lyme*, who pretended a deed to a part of the lands at *Lyme*, claimed by *Oweneco*; but he not making out his title to be good, the court had no regard thereto.

100 After some discourse, *Oweneco* owned, and declared in court, that his deed to the gentlemen of *Haddam*, on the east side of Connecticut river, wherein Mr. Joseph Shelden is concerned, bearing date the 26th of June 1702, *which was by allowance of Major Samuel Mafon*, was according to the intendment of the said deed, and was accordingly accepted by the court, as far as it concerned said Mr. Joseph Shelden.

Oweneco further moved the court, to take care of the persons who have conveyances from him with consent of the said Major Mafon.

Captain Ely of *Lyme*, one of the judges of the peace, and one of the probates, appearing in court, owned that he was chosen by the town of *Lyme* to appear at this court for the town of *Lyme*, and had papers committed to him for that end, but that he doth not make any plea here, because the government of the colony had forbid him so to do.

Robert Lord of Fairfield, says the same thing as Captain Ely, having interest in some of the lands claimed.

Oweneco appearing in court, owned and declared his satisfaction in the court's proceedings, and gave thanks to her majesty and the court for her majesty's great care of him and his people and of their interest; further saying, that he had two sons named Mahomet and ———, whom he would instruct and leave his commands upon to be ever under the allegiance and government of the queen and crown of England, and to assist her majesty and her successors with all their interest, upon all occasions, as he and his predecessors had always done in times past.

Captain Benjamin Uncas, brother to the said Sachem, likewise appeared in court, and gave thanks to her majesty and the court for her majesty's care of his brother, himself, and their people, as above, and thanked God that had prevented him from staining his hands with the blood of the English, notwithstanding the many and frequent provocations from them, and the insinuations, addresses, and proffers from the other Indians to carry away his people from the English.

His excellency, president of said court, in behalf of her majesty and the court, returned thanks to the said Indians for their zeal and affection to her majesty, the crown, and government of England, and the interest of the English nation, and assured them, that her

her majesty would always be ready to take care of them and their people, both in protecting of them and preserving of their rights and properties.

101

The court adjourned until Monday next at nine of the clock in the morning, to meet at the same place.

Die Lunæ, 27 August 1705.

The court called and opened.

This court being advised that there are several persons that have taken deeds of Uncas, Oweneco, and Major Mafon, in due form, for parcels of land within their larger hunting grounds, who have not attended this court to make out their titles, a further time is given, to the next sessions of the commissioners, to shew forth their titles severally; provided they do, within three months next ensuing, give in to the clerk and notary of said court a copy or abstract of their deeds and challenges thereon.

Then the court ordered their judgment and determination upon their proceedings ^{The judgment set forth in p. 26.} afore said to be publickly read, and declared in court, which was accordingly done, being signed by all the commissioners then present, and left with the other papers on file.

Oweneco and the Moheagan Indians further complained, that he is deprived and disseised of a certain tract of land called Mamaquaog, containing, by estimation, *about seven thousand acres*, to the north-east of Windham, and also one other tract of land called Plainfield, on the east-side of Quinebaug river, and also of several considerable skirts and parcels of land *incroached upon and taken in by the towns of Lebanon, Windham, and Canterbury.*

The determination of which the court adjourned to their next sessions; and in the mean time do require all her majesty's subjects not to proceed to make any entry, or improvement upon those lands, until a further hearing and determination thereof.

Oweneco appearing, and moving to the court that Captain John Mafon of Stonington might be his trustee and guardian, to take care of him and his affairs, the court ordered that the said Captain John Mafon, son-in-law to the said Major Samuel Mafon, and grandson to the late Major John Mafon, *at the desire of Oweneco, be the trustee and guardian of the said Oweneco, and take the care of him and his people, and have the management of all his affairs, as the ancestors of the said Mafon have done before him, as fully, in all respects, as any other trustee or guardian may or can do in the like case.*

102

The court adjourned until the first Wednesday in May next, then to meet where his excellency should appoint within the said colony, upon notification thereof to be sent to the other commissioners.

The

The above written is a true copy of the original Minutes of court, as they were taken in court, compared and examined

Per Ja. Meinziez, cler. cur. commiff.

103 These may certify, that I, the fubfcriber, was very well acquainted with James Meinziez, formerly of Bolton in New-England, gentleman, fince deceased, and that I remember his having officiated as clerk or regifter to the commiffioners at their court of enquiry, touching the complaints of the Moheagan Indians in the colony of Connecticut, anno Domini 1705 : that I am alfo well knowing to the hand-writing of the faid James Meinziez, and that I do really believe the preceding records, and the name of James Meinziez, as attesting the fame, to be the proper hand-writing of the faid James Meinziez, as witnefs my hand at Bolton, February 18th 1735.

PAUL DUDLEY.

Suffolk, fc. Bolton, February 20th 1735.

The above-named Paul Dudley made oath to the truth of the above-written certificate before me the fubfcriber, one of his majesty's juftices of the peace for the county of Suffolk and province of the *Massachusetts Bay* in New-England.

BEN. LYND E.

These may certify, that I, the fubfcriber, was very well acquainted with James Meinziez abovenamed, and that I remember his having officiated as clerk or regifter to the commiffioners at their court of enquiry, touching the complaints of the Moheagan Indians in the colony of Connecticut, anno Domini 1705 : that I am likewise well knowing to the hand-writing of the faid James Meinziez, and that I do verily believe that the preceding records, and the name of James Meinziez, as attesting the fame, to be the proper hand-writing of the faid James Meinziez, as witnefs my hand at Bolton aforefaid, February 20th 1735.

MARGARET PASTREE.

Suffolk, fc. Bolton, February the 20th 1735.

The above-named Margaret Pastree made oath to the truth of the above-written certificate by her figned, before me the fubfcriber, one of his majesty's juftices of the peace for the county of Suffolk and province of the *Massachusetts Bay* in New-England.

BEN. LYND E.

The end of the paper-book.

Post Merid'iem.

Present as above.

The court opened according to adjournment.

Mr. Smith moved, that inasmuch as it had been declared to be the opinion of the court, that the parties to this suit should be first called before any further procedure; and that, inasmuch as, pursuant to that opinion, the governor and company, and divers Indians, and between two and three hundred other persons more, had been called; and inasmuch as his majesty, in his commission, declares it to be his will and pleasure, that summoning first before this court the governor and company of the colony of Connecticut, and the chief Sachem of the Mohegan Indians, the court should then proceed according to the directions of his commission; and inasmuch as no person has yet been called in that quality, denomination, file and character; and as it is the undoubted right of all defendants, to know, in certainty, the person or persons with whom they are to contend, and the right of said governor and company in this case; he prayed, in behalf of the said governor and company, that the chief Sachem of the Mohegan Indians might be called, and that this motion might be entered in the minutes.

To which Mr. Bollan answered, that the chief Sachem and principal heads of the Mohegan Indians, had been summoned and returned by the officer, had been called *and did appear*; and that the motion for calling the chief Sachem again was without any proper foundation.

The court demanded of Mr. Smith, whether there was any person, by them suggested to be chief Sachem of the Mohegan Indians, who had not already been called and appeared.

To which he replied, *that there was not*; and declared, that the person, by the governor and company suggested to be the chief Sachem, *had been already called and had appeared.* 106

Whereupon he court said it was to no purpose thento call him again.

Court adjourned till to-morrow morning at eight o'clock.

S

Tuesday,

Tuesday, July 5th 1743.

Present as above.

Court opened according to adjournment.

The minutes of yesterday afternoon read.

Upon hearing whereof, Mr. Smith, by leave of the court, explained his reply to that demand of the court, whether there was any person by them suggested to be chief Sachem of the Mohegan Indians who had not been called and appeared.

Replied in effect and substance as follows, viz.

That there was not any person, by them suggested to be chief Sachem of the Mohegan Indians, who had not been called and appeared; and declared, that the person by the governor and company insisted to be chief Sachem *had been already called, and had appeared*, but had not been called in the stile and character of chief Sachem.

Mr. Smith produced an instrument under the hand and seal of Ben Uncas, and subscribed by sundry Indians, alledged to be his council, by said Ben acknowledged in court to be his act and deed.

And moved, that the same might be read in court and put upon the minutes, which was read, [prout page 322 of the original.]

- 107 Whereupon Mr. Smith moved, that *he* might be admitted to appear, according to the said power, for the said Ben Uncas, and those mentioned in the said power, alledging he should be able to shew, in the sequel, that the governor and company, and the said *Ben Uncas*, and *those persons signing that instrument*, have *no opposite interest or controversy* subsisting between them.

Which being opposed by Mr. Bollan, and the opinion of the court prayed.

The commissioners declared, that as it appeared from the commission that there *was a controversy* subsisting between the said governor and company and the Mohegan Indians, and that by said instrument it appeared Mr. Smith was appointed attorney to the said Ben Uncas, his council, *and the Mohegan Indians*; and, by the minutes of the court it also appeared, that Mr. Smith acted as *council for the said governor and company*.

They were, therefore, of opinion, that he ought not to be admitted as attorney, pursuant to that instrument.

Court adjourned till three of the clock afternoon,

Post

Post Meridiem.

Present as above.

Court opened according to adjournment.

Mr. Lee produced an instrument under the hand and seal of Ben Uncas, and subscribed by sundry Indians alledged to be his council, by said Uncas acknowledged in court to be his act and deed, and moved the same might be read in court and put upon the minutes, *and that he might be admitted to appear*, according to the purport of said instrument, for the said Ben Uncas, and other Indians therein mentioned.

Which Mr. Bollan opposed, alledging, that the Mohcagan Indians *were under the guardianship of John and Samuel Mafon*, and so could appear by no other but their said guardians.

Which being denied by Mr. Lee, the court required Mr. Bollan to shew the evidence of said Mafon's right of guardianship,

Whereupon, in evidence of said point, Mr. Bollan read sundry copies or exemplifications of deeds and acts of assembly from the said paper-book, viz. 108

Of a deed from Uncas and Wawequa, to Major John Mafon, of all their lands, dated August 15th 1759, as in page 46.

Of a deed of confirmation of former transactions, from Uncas, Oweneco, Attawanhood, dated December 14th 1665, page 46.

Of an act of the general assembly of said colony, October 1692, allowing Oweneco's father's lands to be confirmed to him and his son Mahomet, &c. page 46.

Of the seventh and eight paragraphs of the judgment of governor Dudley, and other commissioners, in the year 1705, prout, page 5, 6.

Read also an original instrument under the hands and seals of Ben Uncas, Johnson Cauchiegun, Mauhawon, Wampaniage, and Port Royal James, dated October 1st 1724, per att. [page 324 of the original.]

And also recited and insisted on sundry parts of his majesty's commission of review for the holding of this court.

The parties being heard thereupon, the court adjourned till to-morrow at three o'clock afternoon.

Wednesday, July 6th 1743.

Present as above.

Court opened according to adjournment.


The court ordered the instrument by said Ben Uncas and his council, executed to Mr. Lee, to be read and put upon the minutes.

The said instrument was read accordingly as follows :







To all men to whom these presents shall come, greeting : I Benjamin Uncas, chief
 109 Sachem of the Moheagan Indians, with the advice and consent of my Indian council, principal heads under me of the Moheagan Indians aforesaid, do hereby constitute, authorize, appoint, and empower, John Lee, of Lyme in the county of New-London, and colony of Connecticut, gentleman, attorney at law, my true, sufficient, and lawful attorney, for me, my council, and the Moheagan Indians, to appear before his majesty's court of commissioners, appointed to review a cause or controversy between the governor and company of the colony of Connecticut, and the chief Sachem of the Moheagan Indians, and the said Indians, and me, for myself, and for and in behalf of my said people, to represent before the said court in the cause aforesaid, and therein to do and act *for me and them*, as council and attorney, to plead, prosecute, implead, declare, or defend in the cause aforesaid, and in all things relating thereto, or depending thereon ; and for his so doing, this shall be his sufficient warrant. In witness whereof I have hereunto set my hand and seal, and as an evidence of my council's advice and consent, they have, on the back-side, set their hands, July 5th, A. D. 1743.




Signed, sealed, and delivered
 in presence of

Humphry Avery,
 Simon Tracy.

Benjamin Uncas, his  mark.

The names of the council consenting to the within.

Joshua Uncas  his mark,
 Zachariah Johnson  his mark,
 Samuel Uncas  his mark
 Simon Choychoy,
 Joseph Pie  his mark,
 Henry Quaquaquid  his mark,
 Simon Tobi  his mark,

Ephraim Johnson  his mark,
 Samson Occom,
 John Uncas  his mark,
 Sam. Pie,
 George Quaquaquid,
 John Wampaneag  his mark:

Signed in the presence of us,

Humphrey Avery,
 Simon Tracy.

The

The court referred the further consideration of this point till the nature of this cause be laid open before this court. 110

And the commissioners are of opinion that the council proceed to the merits.

Whereupon Mr. Bollan proceeded to read and argue from sundry parts of the proceedings and judgment in said paper-book contained.

Upon which the agents and council for the governor and company of the colony of Connecticut, in consequence of the resolve of this court, that the parties proceed without the complaint of Oweneco, and the last above-written rule, saving all benefits to themselves for want of proper parties against the said governor and company, before they proceed further, do humbly move, that as his majesty's commission contains the cause only in very general and uncertain terms, that the only party *against* the government if any be, may be ordered to set forth and declare the cause to be reviewed more particularly, by pointing out the grant and reserve referred to in the commission, and the act of assembly therein mentioned to be complained of, that so they may, in some measure, know the right pretended to, and the wrong complained of, and the parties claiming that right.

And pray the opinion of this honourable court, whether it be not necessary that *that* should be done before the parties proceed to the merits of the principal cause.

And prayed this motion might be put upon the minutes, which was ordered accordingly. d

Which being opposed by Mr. Bollan, and debated by counsel on both sides, the court took time to consider till to-morrow morning.

Court adjourned till to-morrow morning eight o'clock.

Thursday, July 7th 1743.

111

Present as above.

Court opened according to adjournment.

The court, having taken into consideration Mr. Smith's motion of yesterday, in behalf of the governor and company, *declared* as follows:

1st. That it appeared by the paper-book, entered in our minutes the 9th instant (which has been admitted by the counsel for the governor and company of the colony of Connecticut) and also by the commission to us directed, that a judgment was given in

T

1705

1705, in favour of the Mohegan Indians, *against* the said governor and company for certain lands therein mentioned; which judgment still remains in force, though the execution of it has been stayed by an order for a review.

2d. That it appeared from the commission, that the said governor and company complained to her late majesty queen Anne, that *they* apprehended themselves to be oppressed and injured by the said judgment, and that the same was unjust, and prayed her said majesty that she would provide a remedy for them therein.

3d. That it appeared, that her said late majesty, out of her princely care and regard to the said complainr, did order a commission of review of said cause, *upon the application and petition of the said governor and company.*

4th. That it appeared that the commission granted in 1737, by his present majesty, and the commission under which we have the honour to act, were *both* issued out of his majesty's princely care and regard for his subjects, the said governor and company, and for *their* benefit.

5th. That the counsel for the Mafons and the Indians has alledged, that the said judgment does contain *all the particulars* of their claim, which they have to insist upon
 112 at this review, and has also insisted upon the justice of said judgment, and prayed that the same might be confirmed.

Wherefore the court was of opinion, that Mr. Smith's motion should be rejected, and that the said governor and company should proceed to file their exceptions or reasons for reversing the said judgment, or any part thereof, with all convenient speed.

Mr. President Colden *dissenting*, delivered in court, and ordered his opinion to be put upon the minutes as follows, viz.

As I am *single* in my opinion, on the point before the court, I think it incumbent upon me to give the reasons of my opinion, and to have them entered on the minutes.

The words of the commission, which gives this court authority, are to the following purpose; to examine and review, with all expedition, "all and singular allegations, proofs, " decrees and sentences, and the whole process, before the said first commissioners, together with a power to admit any new matter or allegation, or proofs of either party."

By which I understand, that the proceedings in this court are to be as in chancery, when a cause, after a decree is reviewed in the same court, on account of some irregularity in the proceedings, and of some new matter suggested to be wanting in the first process, necessary to form a true judgment of the merits of the cause, and as such proceedings would be in the same court before a judge who had not been present at the first proceedings, and had not determined any part of the first process.

In

In which case, I am of opinion, that the whole process (as the present commission directs) is to be examined and reviewed *de novo*, in the method in which the proceedings at first ought to have been; with this difference, that all allegations, proofs, and instruments, made and exhibited in the former process, are supposed to be already made and exhibited in the review, without making them, or exhibiting them anew; and as in such case the bill of complaint comes first in the proceeding, so it ought on the review; but as in this case the original bill of complaint before the first commissioners is by misfortune lost, and the cause of complaint no otherwise appears than by the recital in our commission, and as the court ordered that the parties proceed, notwithstanding this loss, without either party taking advantage of this misfortune. 113

I am of opinion, that the complainant against the governor and company ought to supply that defect as much as in his power, and that he be directed to set forth and declare as is prayed in Mr. Smith's motion.

There is the more reason to grant this prayer, because it appears from the minutes of the first court, that they proceed *ex parte*, without any defence on the part of the governor and company.

I am further of opinion that, as the powers of this court are equal and similar to that of the first court, and not superior, the proceedings of this court are not to be in the method of a superior court, on error; and that the directions in the commission can't be pursued, according to the method of proceedings in a superior court on error.

And in the last place I am of opinion, that the judgment of the court on the point now before us, though it be not directly to the merits of the cause, yet it may affect the whole merits in its consequences.

The governor and company prayed time for preparing their exceptions, &c. till to-morrow morning.

Ordered accordingly.

Court adjourned till to-morrow morning at nine o'clock.

Friday, July 8th 1743.

Court opened.

Present as above.

The governor and company prayed further time till to-morrow morning. Ordered accordingly. And one of the commissioners being indisposed, court adjourned till to-morrow morning at nine o'clock to the house of Captain Simon Lothrop in Norwich. 114

Saturday,

Saturday, July 9th 1743.

A. M.

Court opened according to adjournment.

Present as above.

The agents for the governor and company not having finished their exceptions, &c. Court adjourned till 3 o'clock afternoon to the meetinghouse in *Norwich*.

P. M.

Court opened according to adjournment.

Mr. Smith, of counsel for the agents of the governor and company, exhibited to the court their defence, which was read in the words following, viz.

The defence of the governor and company of the English colony of Connecticut, in New-England in America, against the decree of Governor Dudley and others in favour of Oweneco, chief Sachem of the Mohegan Indians, shewing reasons to this honourable court why the said decree ought to be reversed.

115 The said governor and company, saving their right to have the chief Sachem of the Mohegan Indians called, or otherwise marked, singled out, and distinguished by some act done in court, from the other Indians who have appeared in court; saving also their right to know the complaint of Oweneco, heretofore chief Sachem of the Mohegan Indians, to the said governor Dudley and others, and to have the same produced by any chief Sachem, or Indian, claiming benefit by the said decree; saving also their right to be informed, with sufficient certainty, who are the principal Sachems of the Mohegan Indians mentioned in the commission aforesaid to have been the chief proprietors of the lands in this colony of Connecticut in New-England, upon the first coming of the English subjects to inhabit these parts; what grant or grants they made to the English, of what lands, to whom in particular, the date or dates of said deed or deeds, in order that such deed or deeds may be produced by the governor and company aforesaid, or by such person or persons who have the same, to this court, to be inspected, that it may appear whether any lands, and what
2 lands,

lands, are reserved therein; and also that it may particularly be made to appear that any such reserved lands are mentioned or contained among the lands described in said decree.

All which matters and things the said governor and company, &c. do save to themselves, as their right, to have been done before they should proceed to the merits of the cause mentioned in said commission.

And also saving to the particular tenants of lands within this colony of Connecticut all their just rights to particular defences against the said decree, and to the said governor and company all further defences against the said decree, and claims of parties against the governor and company, when the causes and grounds of such claims, by the course of the proceedings, shall be made to appear — Do, nevertheless, in obedience to the rules and orders of this court, proceed to the merits of the cause, and shew, to this honourable court, as *grounds and reasons* against the said decree, as followeth:

That soon after the coming of the English to settle in the colony of Connecticut, which was in the year of our Lord 1636, they formed *themselves* into a small government, and agreed upon a plan for that purpose: in consequence of which they elected and appointed their several officers; the principal whereof were the governor and magistrates, which were annually chosen to their respective offices by the people that united with them.

That the said English having gone through a war with the Pequots, and conquered them, in which Uncas (who was accounted a Pequot, and lived at Moheagan) had been friendly to the English, a friendship was cultivated between the English and said Uncas and his men; who, after the Pequot war, were accounted, and treated with, as a distinct people, and Uncas as the Sachem, and first Sachem, of that people. — *That thereupon Uncas, Sachem of the Mobeagans, by deed, in writing under his hand, bearing date September 28th 1640, by the name of Uncas, alias Poquion, did give and freely granted unto the governor and magistrates of the English upon Connecticut river, all the lands that did belong to him, or of right ought to belong to him, by what name soever it was called, whether Moheagan, Yonitack, Aquapausuck, Pocki-tonnockie, Wippawake, Massapeag, or any other, for ever thereafter to dispose of as their own, either by settling plantation of the English thereon, or otherwise, as should seem good to them; reserving only, for the said Uncas's own use, that ground which, at that present time, was planted, and in that kind improved by him.* 116

And therein and thereby covenanted, not to suffer (so far as he had power) any English, or any other, to sit down or plant within any of those limits, *which before that grant did belong to him*, without the consent and approbation of the said magistrates or governor at Connecticut aforesaid. And this the said Uncas therein also declared he did, upon mature consideration and good advice, freely and without any constraint.

Also, at the same time, the said English freely gave to the said Uncas 5 and $\frac{1}{2}$ yards trucking of cloth, with stockings and other things, as a gratuity; whereby, and by force whereof, the said English subjects became seized and possessed of all the lands within the said Uncas's claim and right, saving the said lands reserved in and by the aforesaid grant, which was but a small quantity; which said grant and reserve is (as the said governor and company have been informed, and do really believe, and hope to prove) that very grant and reserve referred to in and by the commission of queen Anne to the said Governor Dudley and others.

- 117 * And the said governor and company do farther shew, that the said reserved lands being very uncertainly described in the deed aforesaid, and the said Uncas being willing to give up and dispose of all his lands and claims within this colony to the English, and they desirous of having the native Indian right to and within the whole of said Uncas's claim, Major John Mason, one of the said English subjects, and a principal member in and of their government, obtained one other deed of and from the said Uncas, together with his brother called *Wawiqua*, bearing date at Mohegan the 15th of August 1659, well executed under their hands, and by which they, as Sachems of the Mohegan country, did, in consideration of a valuable consideration, give, grant, bargain, and sell unto Major John Mason aforesaid all their lands that did belong to their territories then possessed by them, or that had before that time belonged to their predecessors, with all the corn and corn lands whereforever; and covenanted that the said Mason, his heirs and assigns, should peaceably enjoy the same, without molestation or incumbrance.

By which deed the said Sachems disposed of those lands that had been reserved as aforesaid by the deed of September 23th 1640 aforesaid.

That, soon after the making of said deed to the said Mason, viz. on the 14th day of March 1660, he, the said Major Mason, conveyed to the colony of Connecticut those lands that the said Uncas and Wawequa had granted to him, as appears by the public records of the colony of Connecticut in the following words, viz. "The jurisdiction power over that land that Uncas and Wawequa have made over to Major Mason is by him surrendered to this colony; nevertheless, for the laying out of those lands to farms or plantations, the court doth leave it in the hands of Major Mason: it is also ordered and provided, with the consent of Major Mason, that Uncas and Wawequa, and their Indians and successors, shall be supplied with sufficient planting ground at all times, as the court sees cause, out of that land; and the Major doth reserve for himself a competency of lands sufficient to make a farm."

- 118 *Whereby the said Sachems and the said Mason disposed of all their aforesaid lands to the colony; and the said colony thereby also agreed with the said Mason, in favour of the said Sachem and Indians, to provide them with planting ground, and to allow to the said Mason a farm out of the lands thereby appearing to belong to the said colony; and thereby it appears that the said Indian Sachems, and their people, agreed, after that time, to hold their lands, which they should afterwards hold, possess, or improve, from and under the English.*

English. And, thereupon, more fully to vest the property in the English colony, and to remove all doubts and disputes, the said Uncas, and his two sons Oweneco and Attawanhood, did, by their deed bearing date the 20th of May 1661, confirm the said deed of August 15th 1659, to the said Major Mafon, his heirs and assigns for ever; and therein did declare, that it was a deed of sale of *all their lands* and territories within their whole claim, and that it was made with the consent of all their people of Moheagan; and covenanted that neither they nor their heirs would ever thereafter trouble or molest the said Mafon, his heirs or assigns, in the quiet enjoyment of the above-mentioned lands.

That thereupon the said English subjects having obtained the lands aforesaid, and divers other lands by purchase as aforesaid, and having long before obtained some other parts of the said colony by conquest, they united, and agreed together to make their petition to his late majesty king Charles the Second, to be incorporated, with powers of government, and for his majesty's grant and confirmation of those lands obtained by Indian purchases and conquest as aforesaid.

Whereupon John Winthrop, the said John Mafon, with divers others, being persons principally interested in the said colony, by their humble petition to his late majesty king Charles the Second, informed him that the said colony of Connecticut, or the greatest part thereof, was purchased and obtained for great and valuable considerations, and some other parts thereof gained by conquest, and with much difficulty, and at the only endeavour, expence, and charges of them and their associates, and those under whom they claim, subdued and improved, and thereby become a considerable enlargement and addition to the dominion and interest of his said majesty king Charles the Second in these parts: in consideration whereof, &c. his said majesty, by his letters patent or charter, under the great seal of England, bearing date at Westminster the 23d day of April, in the 14th year of his reign, erected the said John Winthrop, John Mafon, and others, into a corporation, in name and fact, by the name of the governor and company of the English colony of Connecticut in New England in America, with powers of government; and gave, granted, and confirmed the lands described in the same patent, including the lands claimed and purchased from and under the Moheagan Sachems as aforesaid, unto the governor and company aforesaid, and their successors; whereby the said governor and company of the said colony of Connecticut became seized of the said lands, to hold the same upon trust, and for the use and benefit of themselves and their associates, freemen of the said corporation, &c.

That thereupon, some short time afterwards, the said governor and company, at a general assembly held in Hartford May 14th 1663, granted unto the said Major Mafon a farm of five hundred acres, to be laid out where he should chuse it; and in 1664 the said Major Mafon desired to take up his farm at a certain place by him mentioned to the court; which the court agreed to: *all which were as a recompence to the said Mafon, for his good services relating to the Indian purchases aforesaid, and in conformity to the said agreement in 1660; and the said governor and company have always taken sufficient care that the said Indians should be supplied with sufficient planting ground.*

Whereupon

Whereupon the said governor and company observe, and say, that as the principal cause set forth in her late majesty queen Anne's commission, and again recited in the present commission, by which this court is held (to be reviewed) is the
 120 Moheagan Indians native right to certain lands reserved by the said Indians in their grants to the English, and the wrong done them, by taking away and dispossessing them of said lands by an act or order of the general court or assembly of the colony of Connecticut, and other injuries and violences respecting the same.

And inasmuch as, by the foregoing grants, sales, agreements, declarations, and transactions, it appears, that *whatsoever lands were at first reserved* by the said Indians Sachems, they had, long before the granting of said commission in 1704, disposed of and conveyed the same to the English subjects in manner aforesaid; and they were well granted and passed, at that time of the said charter, to the governor and company aforesaid, and *by the said charter vested in the governor and company in full and absolute property and right in law*: therefore the said judgment or decree of Governor Dudley and others in 1705, was without any just foundation, and plainly contrary to the truth of the fact relating to said reserved lands (about which, and matters relating thereto, the first commissioners under the said first commission were only to inquire and determine); and for this cause the said decree ought to be reversed, and made null and void: and the said governor and company humbly conceive they need not, in obedience to the rule of this court, shew further cause why the said decree should be reversed.

But inasmuch as the said governor and company are desirous to wipe off all unjust and unreasonable aspersions that have frequently been cast upon the honour and justice of this government, in their conduct towards the said Moheagan Indians, and that they may set forth such *new matter* relating to the said cause, as may shew further reasons why the said decree ought not to be of any force or effect at this day;

They further say, that notwithstanding that at divers times the said Indians, by the instigation and solicitation of divers evil-minded persons, subjects of this government, who have sought to make private interests to themselves, by making pretended purchases of some of those above-mentioned lands of and from the Moheagan
 121 Sachems, and have induced and prevailed on the said Sachems to believe, or at least to pretend to believe, they were owners and proprietors of all lands originally claimed by them, and might tell the same over again, contrary to the just right of said governor and company, to the great disturbance, trouble, and expence of this government; yet they, the said governor and company, abating all just resentments on this head, have always carried it *and behaved with great kindness and tenderness towards the said Indians*. — Wherefore the said governor and company, in conformity to the prejudiced opinion of the said Sachems, in favour of their pretended right, and for preserving peace with the said Sachems, and the tranquillity of this colony, did, on the 18th of May 1681, enter into articles and agreements with old Uncas, the first Sachem before named, who, among other things, resigned up to the said colony of Connecticut *all his lands and territories*, binding himself, his heirs and successors, that he would make no other dispose of them to any person or people whatsoever without the colony's grant and allowance first had and obtained; and that they should be disposed of into plantations, villages, or farms, according as the general court of
 said

said colony should order and determine the same; the said Uncas to receive such reasonable satisfaction, for his *supposed* propriety in such lands, as he and the purchasers should agree upon. And the said governor and company, among other things, thereby did agree, that in case the said Uncas and his people fulfilled, on their part, their agreement, that then, whatever plantations the said governor and company should grant to any people in that tract which had been the Moheagan country and territories, they, the said governor and company, would take care that a sufficiency of lands, for the said Indians and their successors, should still be reserved for them to plant on, and that such a *just price* should be paid for the residue as should be agreed upon; whereby the said governor and company, although they had obtained from those Indians their *whole claim* long before, and did not want any further title against them, *yet, in consideration to those opinions those Indians were prejudiced with,* and the better to preserve peace and a good understanding with them, they, the said governor and company, agreed that something should be paid for those lands, as they from time to time should be settled by the English. In consequence of which agreement, the said governor and company have taken care that some satisfaction has always since been made to the said Indians, for all lands granted and settled into towns and plantations within the lands formerly belonging to the Moheagans.

122

And further they say, that the better to fulfil and conform to said agreement, they, the said governor and company, in the years 1683 and 1684, inquired into the extent and limits of the Moheagan Sachems claims or country, the better to know when a plantation, granted and settled, was within, and when without, their ancient territories; but this was done, not with an apprehension of any need of any further purchase of any native Indian propriety, the same having been often granted and conveyed to them before, but was only done for the sake of peace, pursuant to the agreement aforesaid; all which was an act of *extraordinary kindness* towards the said Indians, over whom the government have had a general care and guardianship ever since.

And the said governor and company have, from time to time, always taken care to see the said agreement fulfilled; for which purpose the general court of said colony, in 1692, on Oweneco's request, consented and allowed that he the said Oweneco should not sell his lands without Captain Samuel Mason's consent, &c.; thereby the better to prevent the said Oweneco's being imposed on, and so losing the satisfaction agreed on by the said articles to be paid for the lands to be settled into plantations, &c. as aforesaid; but did not positively and absolutely subject and limit the said Oweneco to the said Captain Mason's pleasure; nor did the said governor and company give the said Mason any power not subject to their controul.

That at divers times before the year 1681 and since, the said Uncas, Oweneco, and other succeeding Sachems of the Moheagan Indians, have sold (besides the general sales before the year 1662) by particular sales to sundry towns and particular persons, all the lands within the Moheagan territories antiently so called; and particularly all those tracts of lands mentioned in the judgment of Joseph Dudley, Esq; &c. given in the year 1705; and even *these particular sales were all made before the giving that judgment, excepting those lands in the said judgment or decree called the sequestered lands, part of which they then lived upon; and which, because the government had promised to*

X

reserve

123

reserve a sufficiency for them for planting ground, so the government has always allowed them to hold the same, and considered those lands as the said Indians lands, though at that time they had little or no title in severalty thereto; and instead of taking away from them the said lands by act of assembly, and granting the same to the towns of New London and Colchester, as is falsely alledged in the judgment aforesaid, the said governor and company, by an act of assembly, made with Oweneco's full consent and approbation, in May 1703, the better to secure those lands to the said Indians, did annex the same lands to the town and jurisdiction-power of New London, with an express saving to the Indians of their property and rights; and the same is also saved; or rather confirmed, to the said Indians, by the patent given to New London in 1704, including those lands: which act of assembly is supposed to be the act referred to in queen Anne's commission, and recited in his majesty's commission, by which this court is held; and the same is therein represented to be an act by which the lands reserved by the Indian Sachems in their first grants were taken from the Moheagans; which act, in truth, was so contrary to that representation, that it was an act of great kindness to them, and by which those lands were much better secured to them than before; and were thereby brought within the limits of a town, and the same Indians under the privileges and protections thereof, not only as to their lands, but also as to their persons and families. — Whereupon the said governor and company say, that the said judgment contains facts plainly contrary to the evidence in that case, and is founded on false suggestions and misrepresentations made by Oweneco, or more probably by him at the instance of some persons, who, in seeking their own interest on the ruins of the said Indians rights, were prevented of their intended design by those very acts of the government, in kindness to said Indians, which secured those lands to the said Indians. — Wherefore the said governor and company's said judgment ought to be set aside, and declared null and void.

124

And the said governor and company, in further proof of *their justice, honour, and kindness towards the Moheagan Indians*, do say, that since the giving the said judgment, they have always taken care of them, not *resenting* Oweneco's complaint and prosecution against them, supposing it to be by other persons means that the controversy was stirred up and carried on: and accordingly the said governor and company, from time to time, have had a general oversight over said Indians, and care of their rights; and notwithstanding one friend or other, as they pretended, persuaded Oweneco to sell great part of the aforesaid lands called sequestered lands, more especially the *western* part, and at last, by one general deed of May 10th 1710, sold all the *western* part, and made some few other sales in the *eastern* part; by which means there were sundry disputes and difficulties arisen between said Indians and those to whom they sold, respecting the said lands; and thereupon the general court of the said colony, being informed by the petition of Caesar, then chief Sachem of the Moheagan Indians, of the very unsettled state of the said Indians, and the contentions about said lands, did, out of regard to said Moheagan Indians, and at their request and desire, take the same into their consideration; and, in order to provide a remedy for said Indians, did appoint their committee to inquire into the same; and, in October 1718, on the information of their said committee, the said general court appointed a further committee, with full power to settle all those differences among the said Indians and English there, and to provide for the settlement of *the gospel ministry* among them: which committee did inquire into, settle, accommodate, and determine all differences,

ences, disputes, and controversies then subsisting, to the general satisfaction of the chief Sachem and Mohegan Indians, and the English purchasers of parts of the said lands, respecting the sales by the said Sachems made, and the just payments agreed upon to be paid therefore; and, in the conclusion, settled upon and sequestered, to the use of the Mohegan Indians, between four and five thousand acres of good land, which from that time they have enjoyed, and have a more indisputable right unto the same than they ever had to any lands since the year 1659, when they sold all their native right, so called: which having finished the said controversies as aforesaid, their doings, by an act of the assembly of said colony, were confirmed the 11th of May 1721. By means whereof all and all manner of controversies then subsisting between the said Indians and English were put to an end. All which the said governor and company did, at their own cost and expence, and during all the time that since the said decree of Governor Dudley and others, and said sequestration and settlement by the last act of assembly, the Indians have made no pretence of claim or challenge to any other lands than those only within the bounds of the said sequestered lands; neither have they had any controversy with the government respecting the same, till a controversy was stirred up by Captain John Mason; but have had their dependence on them for their advice and assistance, which the said governor and company have afforded as occasion and opportunity presented.

125

That thereupon the said Indians being settled upon and secured in their said lands, Captain John Mason, by act of the assembly of said colony in October 1723, at his request, was permitted to go and live on said Indians lands; which permission the colony intended and made in favour of said Indians; more particularly that the said Indians might, by him, be instructed, civilized, and christianised; who accordingly soon went there, and there continued in peace for some time; and the said governor and company supposed and believed they should have no more controversies with the said Indians about those aforesaid lands, or any other: but so it happened, that the said Captain Mason, endeavouring to make an interest to himself, to the prejudice of said Indians, obtained from the Sachem and council of said tribe or nation the aforesaid writing produced by Mr. Bollen, bearing date the 21st day of October 1724, signed by their Sachem and council aforesaid; by which the said Mason induced said Indians to declare they had made him guardian, to have the whole disposal of their affairs and improvement of their lands, as his ancestors had had before him, and to agree he should improve the said lands, not only for their use, as the government ordered, but to add, that he should improve the same for the benefit of himself and his heirs for ever; by means whereof he soon claimed the guardianship and use of these lands, without inspection of or subjection to the orders of the government respecting the same; but the government, *by their care and guardianship over them*, preserved them from his endeavours, and defeated his intentions.

126

Thereupon he stirred up new controversies on the old foundation, and still under pretence of regard to the Indians; and, pretending to appear for them, applied for the aforesaid commission, which was granted in 1737; wherein it is suggested, that differences have arisen, and do arise, between the Mohegan Indians and the said colony of Connecticut, which the said governor and company declare they believe, and hope to prove, are all owing to his and his sons John Mason and Samuel Mason's suggestions.

127 suggestions and insinuations, without any true and just foundation; and thereupon the said governor and company, as they always have endeavoured to quiet the said Indians, whenever they were made uneasy through any false representations of others, or mistake of their own, and in *condescension to the weakness of their capacity*, in order to prevent future differences, paid to the chief Sachem and principal heads of the said Moheagan Indians *a valuable consideration*; who also, knowing that the said governor and company had treated that tribe with justice and kindness, and that it was wholly owing to the care of the said governor and company that the lands they now possess had been secured to them, and that if the colony had not interposed for their protection and relief they should have possessed no lands, nor even so much as have been a distinct people known in this country; in consideration whereof, the said chief Sachem and principal heads, with others of said tribe, by their deed, in writing under their hands and seals, bearing date the 28th of February 1737-8, did release, discharge, and acquit the said governor and company, and all other persons, from the said decree given by the said first commissioners, and of and from all other claims, actions, causes of actions, processes, judgments, costs, executions, dues, and demands whatsoever; and, as a further evidence of their opinion of the kindness and justice of said governor and company towards them in their transactions and dealings with them, the chief Sachem of the said nation, Benjamin Uncas, and the principal heads of the said Moheagan Indians, are here ready, and the said Benjamin Uncas hath been several days waiting to be called, in the name of chief Sachem, to renounce and disclaim the present suit, and the said decree, and all benefits thereby; which renunciation and disclaimer the said governor and company are interested in; and the said governor and company do say, that the said Benjamin Uncas, otherwise called Ben Uncas, is now the true and rightful chief Sachem of the Moheagan Indians, and hath been chief Sachem of the said Moheagan Indians for about the space of eighteen years last past, and hath been generally known, received, and treated with as such; and for these, as well other reasons offered in the course of these proceedings in this suit, they do humbly insist upon it, as their right, that the chief Sachem of the Moheagan Indians may be called, that it may judicially appear in this court who is the chief Sachem, by the commission aforesaid appointed to be summoned before this court, who has not yet been called or acknowledged under that title or character, or distinguished in this court from any private Indian of that nation.

128 And the said governor and company further declare, that they have always taken more particular care of the Indians in the said colony, than of the English subjects within the same, with regard to their helpless state and circumstances; and for that purpose have provided lands for all their several tribes or families of Indians remaining in the colony, and have made several laws in their favour, particularly an act made in the 13th year of his late majesty king George, intitled, An act for preventing encroachments on lands sequestered for the Indians; "*whereby it is provided, that no imitation of time shall be pleadable against them in any suit for the recovery of their possessions, as it may against the English in suits for lands*;" and whenever there has been occasion for a suit in favour of the Indians, and particularly of the Moheagans, this colony has taken the care and burden thereof; of which several instances may be produced in evidence.

And the said governor and company further declare, that the several purchases made of, and the transactions with, the several tribes or nations of Indians in this colony

colony from the beginning thereof, have been made generally with the Sachem or Sachems of such Indians, as sovereign head or heads of such tribe or nation, and not with particular person or persons of such tribe or nation; and all acts done by and with such chief Sachem of such tribe or nation are and have been always esteemed to be as valid and good in law as if the whole nation or tribe had personally joined with their Sachem in the said act.

And they do further say, that great favour is due to all acts relating to property which are done in the infant state of any country; and nicety of forms are not to be expected under such circumstances, where the honesty of intention is sufficiently declared by the parties.

And the said governor and company do further say, *that many people in this colony have honestly purchased, and settled, and made improvements on divers parts of the lands described in the said decree, and now brought into question by this suit, and have lived and spent their days thereon, some twenty, some thirty, some forty, some fifty, some sixty, and some seventy years; and that the number of said families do now amount to five or six hundred, or upwards; the dispossessing of whom would ruin them, and tend to the demolishing of many Christian churches, and depopulating a considerable part of the colony, and turning it once again into a wilderness, contrary to his majesty's declared intention to this colony in their charter of incorporation.*

And the said governor and company do further declare, that no person hath heretofore had guardianship of and over the said Indians, or any other tribe of Indians in this colony, but such as have been subject to, dependent upon, and under the inspection and controul of this government; whose guardianship they have always granted and taken away as they saw cause; and declare and protest against the said John and Samuel Mafon their having any right of guardianship of and over said Mohegan Indians at this day; and do hereby assert the said governor and company have right and authority, according to ancient stipulations, covenants, and agreements with the said Indians, and according to usage and custom, from first to last, to have and exercise a guardianship and oversight over the said Mohegan Indians in all things that relate to their interest and advantage; yet nevertheless, that the honour and justice of the said government, in regard to their conduct towards the said Mohegan Indians may appear, the said governor and company, though they conceive they are answerable only to the chief Sachem of the Mohegan Indians by force of his majesty's commission for holding this court, and insist upon it as their right, yet if this honourable court think proper to hear the said Mafons, or any of the disaffected Indians of said tribe, whose number amounts to but about twelve, the said governor and company shall readily submit that matter to the court: and the said governor and company do further say, that at the day of the date of the said commission, and at the day of the date of said decree, divers persons claimed property in, and then were in actual possession in severalty of divers parts of those lands mentioned in the decree aforesaid, who were not summoned, nor appeared in that court; yet the said commissioners decree their lands to belong to the said Oweneco Uncas and the said Mohegan Indians, and that they should be put into the possession of the same.

All which matters and things the said governor and company do aver, and will prove the same to be true.

Y

Wherefore,

130 Wherefore, and for that it doth not appear by the said decree and proceedings and proofs, by and before the said first commissioners, what lands those were which the first Sachems in their sales to the English had reserved to themselves, concerning which the said commissioners had only power to inquire and determine; and for that it doth appear, by that decree and proceedings, and proofs relating thereto, that the lands decreed to be the right of the Indians, were, long before the said commission, in fact granted to the English subjects by the said Sachem or Sachems; and for that no act of assembly appears, on the face of the proceedings aforesaid, that had taken from said Indians any lands, as appears by the commission of queen Anne to have been suggested, and is therein said to be complained of in said commission; and for many other reasons apparent in, and to be collected from, said decree, and the proceedings and proofs relating thereto, the said governor and company do humbly pray, that the decree aforesaid may be declared null and void, and reversed accordingly; and that such decree may be farther given in the premises as may quiet the said governor and company from all future trouble, vexation, and charge in and about the same.

Agents for the governor and company of the English colony of Connecticut in New England in America.	{	Roger Wolcott, James Wadsworth, Thomas Fitch, Joseph Fowler, John Bulkley.
-----------------------------------------------------------------------------------------------------	---	----------------------------------------------------------------------------------------

Ordered, on Mr. Bollan's motion, that he have a copy thereof with all convenient speed.

Mr. Bollan prayed time to answer till Tuesday morning.

Court adjourned till next Tuesday morning at 9 o'clock.

Tuesday, July 12th 1743.

131 A. M.

Present as above.

Court opened.

Mr. Bollan prayed further time till to-morrow afternoon.

Court adjourned till to-morrow 3 o'clock afternoon.

Wednesday,

Wednesday, July 13th 1743.

P. M.

Present as above.

Court opened.

Mr. Bollen, of council for the Moheagan Indians, exhibited *an answer to the said defence* of the governor and company, which was read, and filed, as follows, viz.

To the honourable the court of commissioners appointed to re-examine, review, finally decide and determine, a certain cause or controversy depending between the governor and company of Connecticut and the Moheagan Indians.

The said Moheagan Indians say, that the judgment given in their favour by Joseph Dudley, Esq; and others, commissioners appointed by her late majesty queen Anne, is right; and the reasons offered by the governor and company of the colony of Connecticut, for the reversal thereof, are insufficient; and the said judgment ought to be affirmed by this honourable court; and to maintain this they say,

That the said Moheagan Indians were the original *only* owners of a large tract of land in these parts, including the lands by the judgment aforesaid adjudged to them: and upon the *first* arrival of the English in this country, the said Indians, believing them to be a just and honest people, *received and entertained them as friends*, and entered into a strict alliance with them; which the said Indians have at all times observed and kept, exercising, on all occasions, *and under the severest trials*, a firm and unshaken friendship towards them: and in order to promote the settlement of the English, the said Indians from time to time spared them divers parcels of their lands, reserving the lands in controversy (*a small portion compared to what they owned when the English first settled here*) for their planting and hunting lands. 132

That the said Indians having admitted the English to settle in their country, after some years experience, found them to be a people some of whom were full of craft and guile, and some others abounded with wisdom and probity; and as the said Indians were by no means a match for the wiles of the former, so, for protection of their estates against them, they fled to the latter; and as they had frequently experienced the great justice, care, and kindness of Major John Mason, *their constant and brave companion in battle*, they made use of him and his family as instruments whereby to prevent their being cheated by any fraudulent or unfair purchases of their lands, and whereby to preserve to the said Indians *a sufficient* portion of lands for them to plant and hunt in, and which were absolutely necessary for them, *in order*

to their continuance as a people: this was become the more necessary, as a fondness for spirituous liquors, brought among them by the English, was increased in this tribe (a fondness too common to the Indian nations); by means whereof many of them have had their intellectual faculties weakened, their numbers lessened, and their interest greatly hurt: wherefore, for the said necessary ends and uses, and at the same time to provide for the said Mafon their trustee, and his heirs, a suitable requital for their continual care over the estate of the said Indians. 1659 August 15th, Uncas and Wawqua, Sachems of the said tribe, conveyed all the Mobeagan lands and territories to the said Mafon; and bound themselves and their heirs that the said Mafon and his heirs should peaceably enjoy the same.

133

1661 May 20th, Uncas, and his two sons, Oweneco and Attawanhood, by their deeds of that date, reciting the said deed of August 15th 1659, confirmed the same to the said Mafon and his heirs, and declared that it was with the consent of all their people of Mobeagan.

1665 December 14th, the said Uncas, Oweneco, and Attawanhood, Sachems of Acoheag, by their deeds of that date, reciting, that they had formerly fully and freely granted and given to Major Mafon, his heirs and assigns, the benefit and profit of all such lands as belong to them, or either of them, that should at any time be sold or disposed to any person or persons, to him the said Major Mafon, his heirs or assigns for ever, they thereby ratified and confirmed the same; and the said Uncas, Oweneco, and Attawanhood, promised and bound themselves, their heirs and successors, for the performance thereof, that he, the said Major Mafon, his heirs and successors, should have and receive, to their proper use and behoof, the one half of the profit and value of all such lands, woods, ponds, minerals, herbage, rents, &c. that should at any time arise and accrue upon the premises; and the said Uncas, Oweneco, and Attawanhood, did thereby promise, and firmly engage and bind themselves, their heirs and successors for ever, that neither they, nor either of them, their heirs or successors for ever, should at any time make sale, or any-wise dispose of the premises, or any part of the same, without the consent and allowance of him the said Major Mafon, his heirs and successors.

134

1671 May 5th, the said Major Mafon, by his deed of that date, reciting the last above-mentioned deed, entailed and bound over, unto the said Uncas, Oweneco, and Attawanhood, a certain parcel of land at Mashantackuck, therein particularly bounded; which particular parcel of land the said Major Mafon did thereby dispose, entail, and confirm to and upon Uncas, Oweneco, and Attawanhood, their heirs and successors for ever, that neither they, their heirs or successors, should at any time make sale, or any other way dispose of the premises, or any part or parcel thereof; and thereby declared, that if any person or persons whatsoever should at any time procure any grant from the aforesaid Sachems, or their successors, the same should be of no value or effect. — The lands in this deed, thus conveyed, contain about eight miles in length, and four miles in breadth, and lie between Norwich and the old line of New London, and are the same lands which, in the judgment aforesaid, are first adjudged to the said Indians; and which lands, after the making this deed, have commonly passed by the name of the sequestered lands.

1681 *May 18th*, a league of perpetual peace and friendship was made between the government of Connecticut and Uncas, Sachem of Moheagan; several clauses of which are as follows, viz.

On Uncas's part:

2dly, I do resign up to the said colony of Connecticut all my lands and territories, hereby, for myself, my heirs and successors, binding myself and them, that I will make no other dispose of them to any person or people whatsoever, without their grant and allowance first had and obtained; and that they shall be disposed in plantations, villages, or farms, according as the general court of Connecticut shall order and determine the same; *I always to receive such reasonable satisfaction for my propriety in them, according as we shall agree.* 135

3dly, He confirms all grants of lands already made to any plantations or particular person or persons. — Then follow the clauses on the part of Connecticut; one of which is as follows, viz.

4thly, *Whatever plantations we grant to any people, in their country and territories, they shall take care that sufficiency of land for the said Indians and their successors be still reserved for them to plant on, and that a just price be paid for the residue, as shall be agreed.*

1683 *May 10th*, the general court of the said colony then held at Hartford, appointed the Governor and Major Talcott to be a committee in behalf of that court, to endeavour to settle the bounds between Uncas and the plantations to which his lands adjoined, and to compose the difference between Lyme and Uncas, and all other differences that he should desire to refer to them; and what they did they were to make return thereof to the court.

1683 *March 6th*, Oweneco, then sole Sachem of Moheagan, by his deed of that date, passed over his right of all that tract of land between (the then) New London town bounds and Trading Cove-brook (being the same lands conveyed and settled by the said deed of May 9th 1671) unto the Moheagan Indians, for their use to plant, that neither he nor his son, nor any under him, should at any time make sale of any part thereof; and that that tract of land should be and remain for ever for the use of the Moheagans and himself and his, to occupy and improve for their mutual advantage for ever.

1689 *May 8th*, at a general assembly then holden at Hartford, the Governor and Major Talcott having presented to the said court the account they had gained of the bounds of the Moheag Sachems lands under their hands, the court thankfully accepted their labour therein, and ordered it to be recorded as their return; which return begins with these words: — An account of the Moheag Sachems native boundaries and royalties, as appears by several court records, and the information and testimony of sundry Indians, Pequots, and Narragansets, the greatest part of which lands within the said bounds they have sold and alienated to several plantations and particular persons, as appears by deeds, gifts, and grants derived from the aforesaid 136

Z.

Moheagan

Moheagan Sachems; after which follows a particular account of the said Sachems of Moheagan, their bounds, and right of royalties within the said bounds.

1692 *October 13th*, at a general assembly then held at Hartford, Oweneco having desired that his father's lands recorded to him might be confirmed to him and his son Mabomet, and that they might not pass them away to any, without the consent of Captain Samuel Mason, and to be acknowledged before him, the said general court allowed thereof.

That the said Indians were once unquestionably the owners of the lands in controversy, and the continuance of their right to the same is manifest from the foregoing deeds and other evidence standing on the records of their adversaries: and to answer particularly the claims of the said governor and company, and shew the insufficiency thereof, they say,

That their claim, by force of the deed of 28th September 1640, mentioned in their defence, is altogether unwarrantable.

1st, Because that *supposed deed was never executed by Uncas*, the Sachem of Moheagan.

2^{dly}, If it was really executed by him, it was made with an intent to keep off the Dutch, who were then endeavouring to get footing in these parts, or with some such view, and not with intent to pass away the said Moheagan lands from them. — For,

2^{dly}, The before-mentioned deeds, together with the aforesaid declarations and transactions of the said governor and company, made and done on the most solemn occasions, and all subsequent to this supposed deed in 1640, prove irresistibly the continuance of the property of the Moheagans in their lands aforesaid, long after the supposed making of this deed.

And 4^{thly}, the said Indians are advised and say, That the said governor and company cannot maintain any claim to the lands aforesaid by force of said deed (if really made): 137 because that the said governor and company, as appears by their own shewing, were not incorporated till long after that deed was made: and it is impossible any lands should pass to them by force of any conveyance whatsoever, until they were enabled to take by the incorporation of their prince. — And,

As to the claim of the said governor and company under Major Mason, viz. by force of the said deed of August 15th 1659 from Uncas and Wawequa to the said Mason, and the pretended conveyance from him to the colony on the 14th of March 1660, the said Indians say, that the same is wholly invalid — Because,

1st, The evidence of the conveyance from Mason to the colony is wholly of their own making; for there is nothing under the hand of Major Mason touching this matter, and none of the Moheagan Indians is so much as said to have been any-wise concerned in it; and therefore their rights cannot be diminished by it.

2^{dly}, The

2dly, The words cited from the records of the colony do by no means warrant what the said governor and company have said thereupon; for they aver and say, that Major Mason conveyed to the said colony those lands that Uncas and Wavequa had granted to him; whereas the record, as cited by the said governor and company, contains no words *for that purpose*, and really no operative words which, if used in any deed made by the true and sole owners of the land, could possibly pass *one foot of the soil*.

3dly, This pretended conveyance was also before the governor and company obtained their charter; and *therefore nothing could pass to them by force of it*.

And as to the deed of *August 15th 1659*, and the confirmation thereof *May 20th 1661*, they say, those deeds, considered together with the other deeds and matters aforesaid by them set forth, fully prove the continuance of the said Moheagan right to the lands in dispute; and as it is evident that those deeds were made with an intent *to secure to the said Indians their lands aforesaid*, and which were for this purpose by the said deeds conveyed to the said Mason, *as trustee for the said Indians*, so it would be plainly against natural justice to make those deeds operate *directly contrary to the intention of the parties to them*, and so *pass away* from the said Indians those very lands which they were made to *preserve*.

138

As to the claim of the said governor and company, under the charter granted them by king Charles the Second, the said Indians say, that surely that prince, when he granted a charter to some of his own subjects, never intended thereby *to pass to them the lands of his friends and allies*. The grants of princes work no wrong to any; and this grant cannot, consistently with the rules of right, any-wise affect *the property of the Moheagans*. The effect of that charter with regard to the Moheagan lands being only this, *to make such of their lands become part of the English colony as should from time to time be fairly purchased from them*.

As to the suggestion of the said governor and company, that the said Indians have been induced to believe, or pretended to believe, that having once fairly sold their lands, they may, notwithstanding, claim, and sell them over again, it is an injurious calumny cast upon them: fraudulent and insufficient sales are in effect none; and, notwithstanding any such, the said Indians *always have claimed*, and will claim, their lands, and doubt not they shall recover and hold them.

As to the construction attempted by the said governor and company, now to be put upon the league made between them and the Moheagans in 1681, the said Indians cannot but look upon the same as an insult upon their understandings (weak as they are) as well as upon their rights. — For by that league, the Moheagans propriety in lands, and their having their countries and territories, is directly *acknowledged* by the said colony; yet the opinion which the Indians then conceived, of their having any lands left in their ancient territories, *is now represented as altogether groundless*; and the said colony say, that they had, *long before that league*, obtained from the Sachems their *whole claim*. If the English colonies be permitted thus to explain away, or rather contradict and depart from their treaties with their old and constant friends and allies, the Moheagans cannot but say, that the English interest must finally

139

finally suffer among the Indian nations, to whom such prevarication and injustice is altogether abhorrent. And the Moheagans beg leave to observe, that they are a people unskilled in letters, and as their adversaries have had the penning *this treaty*, and all the records of their other transactions with the said Indians, and doubtless took care to express matters favourably for their own interest, so now the most favourable construction for the said Indians, as they conceive, should be put upon these writings.

Upon consideration of the aforesaid deeds, records, and evidences, it is apparent, that as the said Indians heretofore certainly owned the lands in question, together with divers other lands incompassing them, so they have used all the means they could devise to secure those lands for the maintenance of *their tribe*; and the said Indians say, the same is sufficiently done.

With regard to the lands aforesaid called *the sequestered lands*, containing about eight miles in length, and four in breadth, the said Indians say, that they have, by force of what is above set forth, an unalienable right to the same.

140 Their right to these particular lands is so apparently good, that the said governor and company, in their defence aforesaid (after urging that they had obtained, about eighty years ago, an absolute property in *all* the lands of the said Moheagans) speaking of *these* lands, say, that because the government had promised to reserve a sufficiency for them (the said Indians) for planting ground, so the government has always allowed them to hold the *same*, and considered *those* lands as the said Indians lands; and that instead of taking away from them (the Indians) the *said* lands, by acts of assembly, and granting the same to New London and Colchester, &c. the said governor and company, by an act of assembly, &c. the better to secure *those* lands to the said Indians, did annex the *said* lands to the town and jurisdiction power of New-London, *with an express saving to the Indians of their property and rights*; and again, speaking of the said act of assembly, say, which act, contrary, &c. was an *act of kindness* to them (the Indians) and by which *those* lands were much better secured to them than before. — And again, speaking of their acts passed touching these lands, call them those acts which *secured those* lands to the said Indians; all which contain such an *ample confession*, by the said governor and company, of the right of the said Indians to *these* lands, as could have proceeded from nothing else (as the said Indians are persuaded) but a consciousness in the said governor and company *that the right of the said Indians to these* lands was incontestible.

And as the right of the said Indians to *these* lands is certain, and the acknowledgment thereof by the said governor and company plain, so it is also certain, that what the said governor and company alledge, namely, that they have always allowed the said Indians to hold *these* lands, and considered *them* as the said Indians lands, is *not true*; for the said governor and company having, in October 1698, granted unto John Winthrop, Esq; then governor of the said colony, and Mr. Gurdon Saltonstall, both of New-London, *two hundred acres of lands* to each of them, they had, on the 20th of February in the same year, a certain parcel of the aforesaid lands called *the sequestered lands*, containing about *twelve hundred acres* thereof, laid out to them by John Prentis, surveyor, who having marked out and bounded the

same, made and returned a survey thereof, which being considered by the general assembly held at Hartford, May 14th 1705, the said assembly approved thereof, and granted that the gentlemen, to whom the said land was so laid out, should have and enjoy the same to them and their heirs for ever; and divers other person, to the amount of eighteen in number, encouraged, as the said Indians suppose, by the said governor's and Mr. Saltonstall's having had the aforelaid parcel of the said *sequestered lands* laid out to them, had, at divers times before the aforelaid judgment was given in favour of the said Indians, several parcels of the *same lands laid out to them*: the lands laid out to those persons were laid out for 2180 acres; what quantities of land were really laid out to these men the said Indians know not, but conclude, that in this respect also they copied after their governor and Mr. Saltonstall, and laid out three times as many acres as was mentioned in their grants and surveys; the proof of the aforelaid several parcels of the lands called the *sequestered lands*, having been thus laid out and surveyed, and of the said general assembly's having approved of the survey made for Governor Winthrop and Mr. Saltonstall, and their having made the aforelaid grant to them, was given into the commissioners in 1705; and with what truth and justice the said governor and company can now say that they have always allowed the said Indians to hold those lands called the *sequestered lands*, and considered them as the said Indians lands, is by the said Indians wholly submitted to this honourable court.

141

And with regard to the other lands adjudged to them, they say, that the same were never fairly sold by them the original proprietors thereof, the principal part of the same being reserved for their hunting land; but if any good and sufficient sales were ever made of any parts thereof, the said Indians pray that such parts may, by this honourable court, be adjudged to the purchasers, adjudging to the said Indians the remainder only.

As to the kindness pretended to have been done to the said Indians by the said governor and company, when they annexed the said *sequestered lands* to the town and jurisdiction power of New-London, the said Indians say they have quite contrary sentiments of that proceeding; for as their policy, customs, and manners differ widely from those of the English (which they neither despise nor can approve) so they, by no means, like to be so mingled with them, which the Indians find, by experience, has a direct tendency to drive them away from their ancient possessions; and they say that they neither know, nor believe, and therefore deny, that Oweneco approved of the said *sequestered lands* being thus annexed to New-London.

142

And they say, moreover, that this approbation, if ever he gave it without the consent of the tribe, or at least of the principal heads thereof, which they are sure was never had, could by no means bind the tribe, who are a free people in a point of this nature.

As to the extraordinary care taken of the said Indians interest by the general assembly of the said colony, and their committee appointed in 1718, whose doings were confirmed by the general assembly in 1721, the said Indians beg leave to observe, that the aforelaid lands, called *sequestered lands*, which were especially appropriated to the use

A a

of

of the said tribe, and settled and confirmed upon them for their *perpetual support*, contain upwards of *twenty thousand* acres, and this committee *confirmed the whole thereof to the English*, except a tract of between four and five thousand acres, and even of that, sundry pieces interpersed, and amounting to a very considerable quantity, above a thousand acres (according to the best information the said Indians can obtain) *are confirmed to the English*; and that committee, in the first place, *approved and confirmed the several country grants* taken up in the western part of the said sequestered land and particularly the before-mentioned farms taken up by the late Governor Winthrop and Mr. Saltonstall, and also a farm of two hundred acres laid out to Mr. Caleb Wat-
 143 son, one of the eighteen persons above-mentioned, and also a farm granted to the school in New-London, containing six hundred acres, *and every other country grant* that had been granted, surveyed, and recorded, and that lie in said western part; which doings of the said committee, *confirmed by the said governor and company* at their general assembly, are a further undeniable evidence of the *untruth* of what the said governor and company have alledged in their defence, viz. That they have always *allowed* the said Indians to hold the said lands called the *sequestered lands*, and considered those lands as *the Indians lands*: and this committee also provided, that the aforesaid small portion of land settled, or pretended to be settled upon the Indians, should be wholly under the regulation of a committee appointed *by the general assembly*; and as the said governor and company might, in the opinion of the said Indians, *as well have driven them at once quite away from their ancient inheritance, or directly extinguished the whole tribe*, as treated them in this manner, so the aforesaid committee *have provided for their being extinct*, declaring, that when that shall happen, then the lands by the said committee settled on the said Indians shall for ever belong to the town of New-London as their *indefeasible estate in fee*; and very lately on James Harris and his three sons, named James, Jonathan, and Labers, *who have been summoned and appeared* before this honourable court, took possession of the land thus settled, or pretended to be settled on the said Indians, and this they did by force of a lease lately made to them, or some of them, *by some committee or other of the said governor and company*, for twenty years, as the said Indians are informed, and verily believe.

And as to the *release* of February 28th 1737-8, pleaded by the governor and company, the said Indians say, that the present king of England having been graciously
 144 pleaded to grant the aforesaid commission of review on the 3d of June 1737, and the said governor and company *knowing that the merits of the cause aforesaid were not with them*, they, with all their might, laboured to *avoid the review* of the said cause, intending thereby to *prevent justice being done to the said tribe*; and to effect this they betook themselves to Ben Uncas, as chief Sachem, whom they had made, before *a creature of their own*, a tool, ready to be used by them *for any purpose*, and to the pretended principal heads under him and from them, contrary to the said commission, wherein it was provided, *that pending said review nothing should be attempted to the prejudice of either party*, they obtained the *release aforesaid*; and wherein the said Ben and other Indians, parties thereto, declare, that all persons holding lands under grants from the said governor and company *have a good right and title to the same*, to hold the same to them and their heirs: now the *utter falsehood* of this the said Indians have already shewn, by proving, as above, *the clear and certain right* of the said Indians to all the lands called the *sequestered lands*, and that the said governor and company, *contrary to what they now say*, have granted away, and confirmed to divers persons, mem-
 bers

bers of the said corporation, divers parcels of the aforesaid lands, and finally almost the whole thereof; and yet this pretended Sachem Ben, and the Indians joining him, would, if they could, by this release, have barred the right of the tribe to the far greater part of that very land so long ago specially set apart and secured for the perpetual use of the said tribe.

The governor and company say they gave a *valuable consideration* for this release; and it is apparent from his conduct that this pretended Sachem Ben has sold himself to the governor and company and is endeavouring to *sell the whole tribe*, or, which is the same thing, their ancient and rightful inheritance as fast as he can; and the said Mohegan Indians deny the said Ben to be their rightful chief Sachem, and insist on it that *John Uncas is their rightful chief Sachem*, according to the ancient established constitution of their tribe, which Ben never was; and they say, that this Ben *having again and again betrayed the interest of the tribe*, they, long since, *deposed him*, and he is now only the head of a *corrupt party of faction*, seduced, deluded, and made by a little money, added to the great artifice of the English, who have cunningly spread corruption and caused divisions amongst this tribe, hoping thereby to work the ruin and overthrow of the tribe; but with respect to these matters, the said Indians insist on it, that they are a free and independent people, and have the sole right of settling and determining all differences arisen among them *touching their Sachems*, or any other members of their tribe whatsoever; and humbly insist on this court's proceeding to do justice between the English and them upon the merits of the cause depending between them. 145

With respect to the said governor and company's claiming the right to have and exercise a *guardianship* over said Indians in all things that relate to their interest and advantage, which is, in effect, claiming to be guardians for them in *this very cause* wherein their greatest interest, their inheritance, their all, is concerned; the said Indians say, that the said governor and company are surely the first persons that ever claimed a right to be guardians to their adversaries, or, in other words, that upon a review, claimed for their adversaries the care and guardianship of that estate which they had unjustly taken from their adversaries, as it had been adjudged on a former trial; and the said Indians insist upon it that the said governor and company have not the right of guardianship by them contended for, *nor any other, over the said Indians or their estates*.

And with respect to the said John and Samuel Masons being their guardians, they say, that as the whole estate of the said tribe was conveyed to the ancestor of the said Mason and his heirs, *in trust* for the said Indians in manner aforesaid, and as that trust hath continued in his family to this day, accompanied with a care and guardianship over the said estate, and as the said family has at all times discharged their whole trust in them reposed with the utmost fidelity, having spared no labour, peril, or expence to promote the interest of the tribe, and preserve their estate, so the said John and Samuel Mason, to whom the said trust is descended, are and ought to be their guardians: and moreover they say, that when the said tribe, aggrieved with the treatment received from said colony, and dissatisfied with the unjust and irregular proceedings of the commissioners acting under the said commission of review, petitioned his majesty, complaining against those proceedings, and against the colony of Connecticut, and praying him to grant such methods as would conduce to restore them to their lands and liberties they 146

they prayed his majesty to admit the said Samuel and John Mafon, their guardians, trustees, and managers, to represent them; *and thereupon they were accordingly admitted*, and by his majesty's present royal commission of review declared the guardians of the said Indians, and therefore they insist on it that the said Malons only be received as their guardians.

And in answer to what the said governor and company say, viz. that all the persons then in possession of the lands adjudged to the said Indians by the judgment aforesaid were not summoned, they say that is no plea for them to make, and whenever made by the proper persons it will doubtless have its proper (that is little) weight.

The said Indians, to remove a frequent objection and mistake made by the governor and company in their defence, beg leave to observe, that what is said in the commission from queen Anne, namely, that the Indians granted to the English great part of their lands, reserving only for themselves a small parcel of land to plant and hunt in, is not meant or intended that the lands so reserved was expressly reserved in deeds made to the English; but as the Indians granted to the English great part of their lands, so what they did not grant was by them necessarily reserved or retained for themselves.

147 As to what the said governor and company urge, viz. that *no act* of assembly appears on the face of the proceedings of the first court of commissioners that had taken from said Indians any lands; the said Indians say that it is a mistake, for it appears by those proceedings, that the said governor and company, at their general assembly held at Hartford, May 11th 1699, granted to Colchester the greater part of the said Indians lands adjudged to them by the judgment aforesaid; and it also appears by those proceedings, that in 1698 Governor Winthrop and Mr. Saltonstall had their lands aforesaid laid out to them; and the other eighteen persons above-mentioned had divers parcels of the *sequestered lands* laid out to them before the giving the said judgment; and many of them, doubtless, had their surveys made long before the issuing of the said commission by queen Anne; and when the said governor and company in 1703 annexed the *sequestered lands* to New-London, they reserved and saved to the English, as well as to the Indians, their *proprieties*; and the said governor and company having, in the first year of the reign of king James the Second, granted to Lyme nine miles in length and two miles in breadth of the said Indians lands, so it is observed in that judgment, that the said town had, under *pretence* of that grant, taken into their improvement *that tract* of the Mohegan lands.

In answer to what the said governor and company say concerning the lands in question having been long possessed by the English, viz. some twenty, some thirty, some forty, some fifty, some sixty, and some seventy years, the said Indians say, first, that the reason of their own law, by them mentioned for another purpose, whereby they have provided that *no limitation of time shall be pleadable against Indians in any suit for the recovery of their possessions*, is a sufficient answer for them on this head.

And secondly, from what is said it is altogether *uncertain* what portions of the said lands have been possessed during the several portions of time above-mentioned.

Thirdly, the possession for twenty, thirty, or forty years in the English can avail 148
nothing on the review of a judgment given *in favour* of the Indians *near forty years*
ago.

Fourthly, the possessions of the English were generally (if not wholly) *modern*
when the said judgment was pronounced.

Wherefore, for the reasons and matters aforesaid, and such as may be hereafter
offered as occasion shall require, the said Indians pray that the judgment aforesaid may
be *affirmed*.

W. BOLLAN.

Ordered, upon the motion of Mr. Smith, that the governor and company's agents
have a copy thereof as soon as may be.

Court adjourned till to-morrow morning at nine o'clock.

Thursday, July 14th 1743.

Present as above.

Court opened according to adjournment.

The reply of the governor and company, to Mr. Bollan's answer of yesterday,
was exhibited to Mr. Smith, and read, and filed as follows.

The said governor and company of the English colony of Connecticut in America,
saying and reserving to themselves now and at all times hereafter all and singular the
matters and things by them in the proceedings aforesaid saved and reserved; and fur-
ther saving and reserving to themselves now and at all times hereafter all and all
manner of advantage of exception to the right of Mr. William Bollan to appear in
this court, and to maintain and defend the said judgment and decree of Joseph Dudley,
Esq; and others before-mentioned, as having no power or authority so to do from the
chief Sachem of the Moheagan Indians, who, only, hath right to maintain and defend
the said judgment or decree; saving further to themselves all advantages of exception to
the scandal offered and charged by the said William Bollan in his answer to the reasons
of the said governor and company against the said judgment and decree; which said
scandal is offered by said William Bollan on the part of some unknown Indians, to the
reproach and dishonour of the English name, without charging the same on any per-
son or persons in particular, whose conduct and character might be defended against
such scandalous aspersions, which said practice is contrary to common justice and good
manners, and always discountenanced in a court of equity; saving further to themselves
all advantages of exception to the manifold contradictions, impertinencies, inconsisten-
cies, uncertainties, untruths, insufficiencies, false and inconclusive argumentations,

B b

put

put in by said William Bollan to the reasons of the said governor and company against the said judgment and decree, instead of an answer: for *replication* thereunto, the said governor and company do say,

That all and singular the matters and things, in the reasons aforesaid, offered by them against the decree of Governor Dudley and others, contained, are true, as the same are therein alledged; and that the *answer* of the said William Bollan, to the said reasons, is very untrue, imperfect, and insufficient to be replied unto; and the said governor and company are ready to aver, maintain, and prove the same, &c. And humbly pray, that the judgment and decree aforesaid may be declared null and void, and *reversed* accordingly.

Agents for the governor and company aforesaid.	{	Roger Wolcott, James Wadsworth, Thomas Fitch, John Bulkley, Joseph Fowler.
------------------------------------------------	---	----------------------------------------------------------------------------------------

Whereupon Mr. Bollan read, and filed his *rejoinder*, in the words following:

150 And the said Mohegan Indians say, that the matters and things, by them alledged before this honourable court, in maintenance of said judgment given in their favour by Joseph Dudley, Esq; and others, commissioners aforesaid; and in answer to the reasons by the said governor and company offered for the reversal thereof, are true and sufficient, and altogether sufficient to be replied unto, and this they are ready to verify; and they pray that the judgment aforesaid be *affirmed*, &c.

WILL. BOLLAN.

Ordered, upon the motion of Mr. Smith, that the agents for the governor and company proceed to their proofs.

Upon reasons offered by Mr. Bollan, the court declared their opinion, and directed that the parties, in giving in their evidence, should prove all the facts by them respectively alle'ged, although not expressly denied by the opposite party, except only such facts as are expressly admitted.

Major Mason's *brief history of the Pequot war*, printed at Boston 1736, offered by the agents for the governor and company in evidence, admitted by Mr. Bollan, and ordered by the court to be annexed to the minutes.

An attested copy of articles of agreement between the first settlers on Connecticut, touching government, &c. dated January 14th 1683, was produced and read. [Prout page 220 of the original.]

An attested copy of the record of the election of the governor and magistrates of said united inhabitants, April 6th 1640, was produced and read. [Prout page 231 of the original.]

Court adjourned till three o'clock afternoon.

P. M.

Court opened according to adjournment.

Present as above.

Produced and read on the part of the governor and company an attested copy of a deed from Uncas, alias Poquion, Sachem of the Moheagans, to the governor and magistrates on Connecticut, dated September 28th 1640. [Prout page 231 of the original.]

Produced also a writing purporting to be an *original deed* by said Uncas, alias Poquion, 151
executed to said governor and magistrates of his lands. [Prout page 232 of the original.]

To which Mr. Bollan *excepted, and denied the same to have been executed by*
the said Uncas.

Whereupon was produced by the said governor and company and read an attested
copy of a deed from Oweneco to Captain Samuel Maion, dated June 9th 1684 [Prout
page 232 and 233 of the original.]

Produced and read an attested copy of Sir Henry Ashurst's petition to her majesty
in 1705, respecting the judgment of Governor Dudley and others. [Prout page 234
the original.]

Court adjourned till to-morrow morning at nine o'clock.

Friday, July 15th 1743.

Present as above.

Court opened.

The agents for the said governor and company, in evidence further referred to
and read a copy of a deed by Uncas and Wawequa, Sachems, executed to Major John
Maion, and dated 1659, August 15th, as contained in the paper-book before entered
in these minutes from page 23 to 68 inclusive.

Produced and read an attested copy of the record of the election of magistrates
for the colony of Connecticut for the year 1660, dated May 17. [Prout page 243 of
the original.]

Produced also an attested copy of the records of the magistrates at the general court
held at Hartford, March 14th 1600, and read. [Prout page 243 of the original.]

Referred

Referred to and read from said paper-book, page 42, copy of the record of said Major Mafon's surrendry of the jurisdiction power of the lands by him purchased as abovesaid unto the colony of Connecticut, March 14th 1660.

Produced and read a copy attested of a deed from Uncas, Oweneco, and Attawanhood to Major John Mafon, dated May 20th 1661. [Prout page 244 of the original.]

Produced and read a copy of the charter of the colony of Connecticut, under the seal of said colony. [Prout page 245 of the original.]

- 152 The lands in controversy agreed by the parties to be contained within the said charter.

A copy of an act of the general assembly of said colony, May 17th 1663, granted to Major Mafon five hundred acres of land. [Page 249 of the original.]

Also a copy of an act of the general assembly of said colony, October 13th 1664, allowing said Major Mafon to take up his five hundred acres, both under the seal of said colony, were produced and read. [Prout page 249 of the original.]

Produced under the seal of the colony and read an attested copy of the patent by the said governor and company executed to the proprietors of New-London, dated 14th of October 1704. [Prout page 265 of the original.]

Admitted by Mr. Bollan, that the lands lying between the old line of New-London and Norwich, commonly called the sequestered lands, are the same lands which are in the last above-mentioned act of assembly added to the township of New-London, and passed by the patent aforesaid in such manner as is therein mentioned.

Mr. Smith, of counsel for the said governor and company, offered inevidence under the seal of the said colony and attested by the secretary, the affidavits of John Minor and John Gallup. [Prout page 270 and 271 of the original.]

- 153 And alledged further, that the deponents therein named were dead, which was admitted to be true, and prayed that the same might be admitted as evidence in this cause; but the same being objected to by Mr. Bollan, after debate the same were rejected by the court.

Whereupon the said governor and company prayed their exception to the opinion of the court, which was granted accordingly.

A copy of an act of the general assembly of Connecticut, October 9th 1718, appointing a committee to inspect the affairs of the Moheagan Indians, and redress their grievances, &c. attested by the secretary, with the seal of the said colony affixed, produced and read. [Prout page 280 and 281 of the original.]

A copy of an act of the general assembly of said colony, holden October 13th 1720, appointing a committee to enquire into and accommodate certain controversies in New-London

London north parish, arisen among sundry claimers of land there, attested by said secretary, with the seal of said colony affixed, were produced and read. [Prout page 282 of the original.]

A copy of the report of the committee of their proceedings thereupon, and a copy of an act of the said general assembly, May 4th 1721, approving and confirming the same, attested by said secretary, with the seal of said colony affixed, were produced and read. [Prout from page 283 to page 294, both inclusive of the original.]

Oweneco's original deed to John Livingston, Robert Denison, Samuel Rogers, and James Harris, dated May 10th 1710, was produced and read. [Prout page 272 of the original.]

Court adjourned till to-morrow morning at nine o'clock.

Saturday, July 16th 1743.

Present as above.

154

Court opened according to adjournment.

A copy of a deed from Caesar to the town of New-London, dated May 30th 1715, was produced and read. [Prout page 276, 277, and 278 of the original.]

A copy of an act of the general assembly of said colony, holden October 10th 1723, allowing Captain John Mafon to dwell and keep school among the Indians, &c. attested by the secretary, was produced and read. [Prout page 295 of the original.]

An original deed of release, executed by Ben Uncas and sundry other Indians, dated February 28th 1737-8, was produced and read. [Prout page 296 of the original.]

An original deed from Captain John Mafon to William Pitkin, Esq; Mr. Timothy Woodbridge, William Whiting, Mr. Joseph Talcott, Mr. Samuel Whiting, Mr. Joseph Bradford, and Mr. John Eliot, dated January the 2d 1710-11, was produced and read. [Prout page 301 of the original.]

Mr. Lee moved to be admitted to appear for Ben Uncas, by force of an instrument from said Ben to him executed, and on the minutes of this court the 6th instant, and that the chief Sachem might be called; which was opposed by Mr. Bollan, and the parties heard on the motion.

The court were of opinion that Mr. Lee should not appear at that time.

Court adjourned till three o'clock afternoon.

C c

Cour

Court opened. P. M.

Present as above.

The court were of opinion that the governor and company proceed in the course of their evidence.

155 A writing, subscribed William Whiting, John Mafon (admitted by Mr. Samuel Mafon to be his father's own hand) touching the election and instalment of Major Ben Uncas to the Sachemship, dated September 4th 1723, was produced and read. [Prout from page 304 to page 305 inclusive of the original.]

A copy of an act of the general assembly of the colony of Connecticut, October 10th 1723, *confirming* said choice, attested by the secretary, with the seal of the colony affixed, was produced and read. [Prout page 306 of the original.]

Proposed by Mr. Bollan, and agreed to by the agents for the governor and company, &c. that all those depositions, and other evidences which were taken and exhibited at the court of Commissioners at Norwich 1738, respecting the Sachemship, be now admitted in evidence as though taken at this time in this court, and that either party have leave to produce any *further* evidence, if they think fit.

Court adjourned till Monday morning next, at ten o'clock.

Monday, July 18th 1743.

Present as above.

Court opened according to adjournment.

Pursuant to the rule of Saturday last, by the agents for the governor and company were exhibited in court the depositions of *Jeremiah Chapman junior*, Mr. Eliphalet Adams, Samuel Leffingwell junior, Samuel Leffingwell, Joan Prentis, and Nathaniel Green, Lancaster Gorton, Jonathan Wickwere, John Curtis, John Richards; all which were exhibited at the court of commissioners at Norwich in the year 1738, and were now severally read. [Prout from page 307 to 317 inclusive of the original.]

Whereupon Mr. Smith, in behalf of the said governor and company, read that part of their defence in which it is said "that the chief Sachem of the said nation (viz. Moheagan nation) Ben Uncas and the principal heads of the said Moheagan Indians are here ready, and the said Ben Uncas hath been several days waiting to be called in the name of chief Sachem, to renounce and disclaim the present suit and the said decree, and

"and all benefit thereby, which renunciation and disclaimer the said governor and company then proposed it to the court, to have leave to produce the said Ben Uncas as chief Sachem, in order for him to make the aforesaid disclaimer of the present suit, and submit it to the court, whether it should be done now or deferred till another time; which being opposed by Mr. Bollen, thereupon the said governor and company declared that they did not insist upon the said disclaimers being made at that time.——And it was the opinion of the court that the said matter be deferred. 156

Court adjourned till three o'clock afternoon.

Present as above.

Court opened according to adjournment. P. M.

An original writing of indenture, signed by Ben Uncas and Ben Uncas junior, executed to Thomas Ruffel, and dated 14th November 1734, was produced and read. [Prout from page 317 to 319 inclusive of the original.]

A copy of an act of the general assembly of said colony, March 11th 1657-8, allowing Richard Haughton to purchase of Uncas; also a copy of the record of a deed from Uncas to Richard Haughton of Massapeage Neck, dated August 19th 1658; also a copy of the record of the survey or description of the bounds of the said Massapeage Neck, dated August 19th 1658, all attested by the secretary of the said colony, were produced and read. [Prout from page 249 to 252 inclusive of the original.]

A copy of a deed from Oweneco and Mahomet to the proprietors of Haddam, acknowledged before Samuel Mafon, June 26th 1702, attested by the town clerk of said Haddam, was produced and read. [Prout page 252 of the original.]

An attested copy of a deed from Oweneco to Samuel Bebe, James Avery, William Whiting, and Joseph Whiting, Joseph Wadsworth, dated February 17th 1709-10, was produced and read. [Prout page 257 of the original.] 157

An original deed from Uncas, Sachem of the Moheags, to John and Daniel Stubbins, dated March 6th 1683, attested, &c. produced and read. [Prout page 260 of the original.]

An attested copy of a deed from Oweneco to Daniel Mafon, dated December 9th 1686, produced and read. [Prout page 228 of the original.]

A copy of a deed from Uncas to Jeremiah Adams, dated May 20th 1662, attested by the secretary of the colony, produced and read. [Prout page 262 of the original.]

A copy

A copy of an act of the general assembly, October 13th 1698, *appointing a committee to lay out the town now called Colchester.*

Also a copy of an act of the general assembly, May 11th 1699, *for the enlargement of said town*, both attested by the secretary of the said colony, were produced and read. [Prout page 226 of the original.]

An original deed from Oweneco to Nathaniel Foot, dated June 9th 1699, was produced and read. [Prout page 226 of the original.]

Admitted by Mr. Bollan, that part of the lands described in the deed of Oweneco to Daniel Mafon, dated 9th of December 1686; also that part of the lands described in the deed of Uncas to Jeremiah Adams, dated Hartford May 20th 1662; and all the land described in the deed of Uncas to John and Daniel Stubbins, dated the 6th day of March 1683; and part of the lands described in the deed of Oweneco, with the consent of John Mafon, to Samuel Bebe and others, dated February 17th 1709-10 lie in
158 *the bounds of the town of Colchester*, as stated by act of assembly the 13th of May 1699 — And that the deed of Oweneco to Nathaniel Foot, date June the 9th 1699, contains the lands described and bounded in said act of assembly.

Produced in evidence by Mr. Bollan an attested copy of a deed from Oweneco to the Mohegan Indians, dated March 6th 1683-4, and was read. [Prout page 329 of the original.]

Admitted by the governor and company, that the lands mentioned to be passed by the said deed of Oweneco of March 6th 1683-4, are the same lands described in the deed dated May 9th 1671, given by Major Mafon to Uncas, Oweneco, and Attawanhood.

Referred by Mr. Bollan to the proceedings of the general assembly, October 1718 and October 1720, and confirmation thereof by the general assembly, May 11th 1721. [Prout page 280, 282 and 293 of the original.]

Referred to the deed from Uncas, Oweneco and Attawanhood, to Major John Mafon, dated May 20th 1661. [Prout page 244 of the original.]

Referred to the writing subscribed William Whiting and John Mafon, dated September 4th 1723. [Prout page 304 and 305 of the original.]

All before exhibited by the governor and company.

An original writing, signed by many Indians, importing their disowning Ben Uncas for their Sachem, dated March 1st 1738, produced and read. [Prout page 330 and 331 of the original.]

Pursuant to the rule of Saturday last Mr. Bollan exhibited in court the depositions of
159 John Chandler, John Amos, Thomas Waterman, and William Hide, Thomas Rose, John Waterman, Joseph Tracy jun. and Jabez Crocker, Jonathan Barber, Thomas Stanton,

Stanton, Jonathan Barber, and John Morgan, all which had been exhibited at the court of commissioners at Norwich in 1738, and were now severally read. [Prout from page 352 to 360 inclusive of the original.]

By Mr. Bollen was referred to, and read, the copy of the deed, August 1659, from Uncas and Wawequa to Major John Mason, as in page 46 of said paper-book.

Referred to and read a copy of the deed of December 14th 1665, from Uncas, Oweneco, and Attawanhood to Major John Mason, as in page 46 of said paper-book.

Referred to and read the copy of a deed, dated May 9th 1671, from Major John Mason to Uncas, Oweneco, and Attawanhood, as in page 42 of said paper-book.

Admitted by the counsel for the governor and company, that the lands described by the deed of Major Mason to Uncas, Oweneco and Attawanhood, May 9th 1671, are the same lands mentioned in the decree of Joseph Dudley, Esq; and others, said to lie between New-London and Norwich, being eight miles in length, and four miles in breadth, or thereabout.

Referred to and read the league between the governor and company, and the Sachem of Mohegan, dated May 18th 1681, as in page 39th of said paper-book.

Referred to and read the general court's appointment of Governor Treat and Major Talcott to settle the bounds between Uncas and the neighbouring plantations, &c. dated May 10th 1683, as in page 34 of said paper-book.

Referred to and read said Governor Treat and Major Talcott's account of the bounds of the Mohegan lands given to the general assembly, May 13th 1684, as in said paper-book page 36. 169

Referred to and read Oweneco's application to the general assembly at Hartford, October 13th 1692, about *his fathers, and his lands*, and the assembly's orders thereon, as in 43 of said paper-book.

Referred to and read the general court's grant of Colchester, May 11th 1699, as in page 58 of said paper-book.

Court adjourned till to-morrow morning at nine o'clock.

Tuesday, July 19th 1743.

Present as above.

Court opened according to adjournment.

Mr. Smith, in behalf of the governor and company, produced a further exception against the decree of Governor Dudley and others, as follows :

And the said governor and company do further shew, that one of the commissioners that judged and decreed in favour of Oweneco, viz. Edward Palmes, was a party interested in the matters of controvery, and before and at the time of said decree claimed right in the lands in the decree mentioned under an Indian title, in opposition to the right and title of the governor and company, and the decree was in support of his title ; for which reason the said governor and company do further say, that the judgment and decree aforesaid is null and void, and ought to be reversed.

161 William Smith for the governor and company, and the said governor and company for the proof of the above exception, do refer to the deed of Samuel Bebe and others, dated 17th February 1709-10, before-mentioned.

A copy of the patent to the town of Lyme, dated May 14th, in the first year of the reign of king James the second, &c. was produced by Mr. Bollan, and read. [Prout page 334, 335, and 336 of the original.]

Admitted by the agents for the governor and company, that the grant to the petitioners for Colchester, May 11th 1699, contained in the paper-book, page 53, includes the land mentioned by the name of one larger tract of hunting land adjudged by Governor Dudley, &c. to Oweneco and the Moheagan Indians, and which lie within the present township of Colchester ; which Colchester lies between the bounds of Lebanon, Norwich, Lyme, Metabasset, and Haddam.

An attested copy of the patent to the town of Colchester, dated September 24th 1705, was produced and read. [Prout page 332 and 333 of the original.]

Joseph Bradford's original release to John and Samuel Mafon, dated July 4th 1743, was produced and read. [Prout page 336 and 337 of the original.]

A copy of the report of a committee touching the Indians affairs, exhibited at the general assembly, May 13th 1680, attested by the Secretary of the colony, was produced and read. [Prout page 327, 328, and 329 of the original.]

Referred

Referred to and read the survey of Governor Winthrop's and Mr. Saltonstall's farms laid out, February 20th 1698-9, and the general court's *approbation* thereof, page 52 of said paper-book.

Admitted by the governor and company, that the land surveyed and laid out by John Prents, surveyor, on the 20th of February 1698-9, to Fitz John Winthrop, Esq; and Mr. Saltonstall, are parcels of the lands described in Major Mafons deed to Uncas, Oweneco, and Attawanhood, dated May the 9th 1671; and also are parcel of the lands described in Oweneco's deed, dated the 6th of March 1683-4.

Referred to and read John Prents's account of land by him laid out to divers persons, between New-London and Norwich, and his oath thereupon, as in page 5 of said paper-book.

Produced by the agents for the governor and company a writing signed by many Indians, declaring their acknowledgment of Ben Uncas for their Sachem, dated August 2d 1737. [Prout page 319 and 320 of the original.]

An attested copy of an act of the general assembly, May 10th 1739, appointing a committee, &c: was produced and read. [Prout page 321 of the original.]

Produced a writing, attested by Eleazar Kimberly, secretary, purporting to be a copy of the deed or writing, dated September 28th 1640, mentioned on the minutes of Thursday last, with the affidavit thereon indorsed, which was read, [Prout. page 240 of the original.]

The affidavit of George Wyllys, secretary of said colony, taken before this court, was produced and read. [Prout page 241 and 242 of the original.]

Produced a writing, dated the 15th of the fourth month 1659, signed Thomas Stanton as party, and as one of the witnesses Thomas Stanton.

Produced also a writing, dated March the 2d 1659-60, signed (among fundry other names) Thomas Stanton.

The book of the records of the colony of Connecticut for the year 1639 and 1640, &c. was produced in court and inspected.

Court adjourned till to-morrow morning at nine o'clock.

163

Wednesday,

Wednesday, July 20th 1743.

Present as above.

Court opened according to adjournment.

Ordered, That the said writing, purporting to be an original deed from Uncas, alias Poquion, to the governor and magistrates on Connecticut river, dated September 28th 1640, and offered in court on Thursday last, be admitted as an exhibit in court, and to be read, and the same was read. [Prout page 232 of the original.]

Ordered also, That the said two writings offered yesterday, the one dated March 2d 1659-60, and the other the 15th of the fourth month 1659, be admitted, as exhibits in court to be read and inspected, and with the name Thomas Stanton (on said writing of 1640 written as a witness) to be compared.

Admitted by Mr. Bollen in behalf of the Mobeagan Indians, that the exhibit, dated 15th of the fourth month 1659, and also the exhibit dated 2d of March 1659-60, were found in the custody of Thomas Noyes, grandson of Thomas Stanton, who in the year 1637 was an Indian interpreter in this colony, among divers writings; all which were always deemed and accounted by Ichabod Palmer and Hannah his wife (which Hannah is the grand-daughter of the said Thomas Stanton) to have belonged to said Stanton in his life-time, and the name Thomas Stanton signed as a witness to the first above-mentioned exhibit; and also the body of the said writing was always believed, by the said Ichabod and Hannah Palmer, to be the hand-writing of the afore-said Thomas Stanton; and that the subscription Thomas Stanton, as a party to the said instrument, hath been always reputed and believed by the said Ichabod and 164 Hannah Palmer to be the hand-writing of Thomas Stanton the son of the first-mentioned Thomas Stanton; and it was also admitted that the subscription of the name Thomas Stanton to the said exhibit, dated 2d March 1659-60, was also by the said Ichabod Palmer and Hannah his wife reputed and believed to be the hand-writing of the said Thomas Stanton the Indian interpreter, and that the same Thomas has now been dead about sixty years.

Mr. Lee pursued his motion of the 5th instant to be admitted to appear for Ben Uncas, &c.

Court took time to consider until afternoon.

Court adjourned till four o'clock afternoon.

Post Meridiem.

Present as above.

Court opened according to adjournment.

Ordered, That said Ben Uncas be now admitted to lay before the court what he has to offer relating to the cause depending between the governor and company of Connecticut and the Moheagan Indians.

Whereupon said Ben Uncas exhibited in court a writing, dated *this 20th of July*, by him owned in court to be his deed, and signed by sundry other Indians as concurring therein; and also the bible and brás hawk therein mentioned were by him shewn in court.

The said Ben Uncas further exhibited in court an original writing by him signed and acknowledged in court to be his act and deed, dated 6th of July 1743, both which were read as follows:

The humble address and declaration of Ben Uncas, chief Sachem of the Moheagan Indians, to his majesty's court of commissioners holden at Norwich, in his majesty's English colony of Connecticut in New England, is as follows; viz. 165

I Ben Uncas, chief Sachem of the Moheagan Indians, would express my thankfulness to the great king of Great Britain for his gracious care of me and my people expressed in his commission, by which this honourable court is now held; but I want words to shew how thankful my heart really is for his majesty's gracious care therein shewn to me and my people.

And now if this honourable court will lend me their ear, that I may be so happy as by them to inform his majesty the great king of Great Britain of the true state and circumstances of me and my people, and the cause of the late complaint made by Mahomet to his said majesty.—And first, I would inform this honourable court that I now am in the *forty-eighth* year of my age; and that I, after the decease of my father Ben Uncas the late Sachem, in the year 1725, was chosen and installed chief Sachem of the Moheagan Indians, and have ever since remained in the actual exercise of the power of chief Sachem of the Moheagan Indians; and as one evidence of my being so, I have here in court the bible translated into Indian, which was sent by the late great king Charles the Second of England, &c. unto the then chief Sachem of the Moheagan Indians, which hath always been delivered unto the chief Sachems successively at their instalment, and accordingly was delivered unto me soon after my instalment; and likewise I have here in court a certain brás hawk, taken from a famous and great captain of the Narragansets, our enemies, by one of my ancestors in
E c 166
a fa-

a famous battle and victory obtained over said Narraganset Indians, which hath always been delivered in like manner unto the said chief Sachems, and was accordingly delivered to me, which hath been kept by the chief Sachems as a memorial of that great battle and victory. And I would further inform this great court, that I have but about *thirty-eight* or forty fighting men now alive of the true nation of the Moheagans, and about twelve of these my men, to my great grief and trouble, have lately revolted from me, and united with sundry Indians of other nations, and have lately been induced by some evil-minded white people to set up one *John Uncas* to be chief Sachem of the Moheagan Indians, to the great disturbance of the peace of me and my people. And further I would inform this great and high court, that neither I nor any of my people have *any dispute or controversy* with the king of Great Britain's people of this colony of *Connecticut*, touching or concerning any ground claimed by me or my people, excepting what these twelve men may pretend to who have revolted from me as aforesaid. And further I do now speak and honestly declare unto this court, that the governor and general assembly of this colony have at all times behaved in a very friendly manner towards me and my people, and that when any white people have at any time intruded upon our lands, or done any wrong or injustice unto any of us at any time, on complaint made by me or any of my people to the said governor or general assembly, they have always made haste to give proper relief in such cases at the only cost of said colony; but notwithstanding so it is, may it please this honourable court, that *one* Captain John Mason, on or about the year of our Lord 1723, who was then of Stonington, petitioned the general assembly of the colony of Connecticut, that he might have liberty to come and dwell among the Moheagan Indians, on those lands which were *by the colony of Connecticut reserved for their use*; to which request the said assembly, as appears by an act of the general court, consented, in consideration of what is mentioned in said act, that he the said Captain John Mason should, by and with the consent and good liking of us said Indians, take up his residence amongst us: and thereupon, soon after the passing said act of assembly, he, by the consent of Major Ben Uncas my deceased father, who was then chief Sachem, and some others of the Moheagan Indians, came with his family and dwelt amongst us; but soon after his coming he seemed not to be contented with the terms and conditions provided for him in said act of assembly, and thereupon he persuaded my father Ben Uncas, who was then chief Sachem, and five of his men, to sign a lease, which is the same produced in court by Mr. Bolland, at which time he earnestly importuned me and the rest of the Moheagan Indians to sign said lease, but could not prevail upon us to do it; for I, who understood the English tongue better than the rest of the Moheagans, told them I was afraid that Captain John Mason was about to take those lands from us, which the colony of Connecticut had settled upon the tribe of the Moheagans, and that it was best to take good advice before we signed any paper, and thereupon no more of our people would sign to said paper; and in like manner I took pains to prevent my father's signing said lease, but the name of the Masons was then had in so high esteem *with my father*, that he would not believe he was about to get any of our lands *to himself*; and so that matter rested until after the death of my father, during which time said Mason lived upon and improved what of those lands he pleased; but soon after the death of my said father, Captain John Mason more fully discovered what his intentions were by getting said lease from him my said father, for he then acted not agreeable to the peace and interest of me and my people, which caused us to make our complaint, as we always used to do

when grieved by white people, to the general assembly of the colony, who soon looked into our case and gave us proper relief, which caused the said Captain Mafon to be very angry, and thereupon again tried to persuade me and my people to sign to said lease, and likewise endeavoured to persuade me and my people that the colony of Connecticut had very much wronged the Moheagan Indians, and if I and my people would unite with him, he would go to the king of Great Britain and complain to him, that the English people of the colony of Connecticut had greatly wronged and injured the Moheagan Indians; which motion and solicitation made by the said Mafon I and my people with scorn and disdain rejected, as not knowing or believing that ever we or our ancestors had received *any wrong or acts of injustice from said colony*, but contrary thereto had received many great and signal acts of kindness, favour, and protection from them; and knowing that a compliance with the request of the said Mafon would be contrary to ancient leagues and agreements entered into by said colony and our ancestors, which have since often been renewed by me and my people with the said colony, and the acting contrary thereunto would not only have been against the *law of nature*, but is strictly forbidden by the *Christian religion*, which I had then been instructed in, and so would have been a just cause of displeasing the great God, before whom I believe that not only I but all the kings of the earth must one day stand and be judged: but notwithstanding the resolution of me and my people, said Captain Mafon persuaded Mahomet to assume to himself the title of chief Sachem of the Moheagans, without either right or election, and under that title to appear with said Mafon before the king of Great Britain, in behalf of himself and his people, as he said; and these complained of many injuries and wrongs which he and his people had suffered from his majesty's subjects of the colony of Connecticut; which complaint so made, caused the revival of an old pretended difference between the said colony and the Moheagan Indians, *which had then laid buried for near thirty years*; which informations made by the said Mahomet to the king's majesty was wholly false in the following particulars, viz.

169

1st. In that he declared himself to be chief Sachem of the Moheagan Indians, and was not.

2dly, In that he complained in the name of the Moheagan Indians, as well as for himself, when he had no right to appear for one man of them that I or my council know of or can find out.

3dly, That he complained of injury and wrong done to him and his people by the subjects of Connecticut, which things *were altogether groundless and false*.

Now, may it please this honourable court, I have here in court my council, who have good hearts and will speak the truth, whose evidence I pray may be taken to prove the truth of this my declaration, with such other evidences and proofs as the gentlemen who are my attornies in this court shall think proper in that respect. And further I would inform this honourable court, that I have often been *told* by my father, the late Sachem, and the old people of our tribe of Moheagan Indians, that the lands claimed by them was sold unto the English people, excepting those lands we now live on, commonly called and known by the name of the Moheagan Fields,

which

170 which are in quantity between *four and five thousand* acres, and we Indians have no other way of knowing whether and when the lands which they formerly claimed were sold, but by English records and tradition among ourselves, the father tells the son, and the son the grandson, and he was never counted an honest man among us Indians, when his father had sold any lands, if he claimed or challenged them again, which seems to be the case of those twelve men who have revolted from me, and from under my government: wherefore I do hereby, in justice to myself, posterity, and people, the Moheagan Indians, declare to this court, and offer to prove these facts following to be true; that is to say, that my grandfather Uncas was the first Sachem of the Moheagan Indians, that after his death Oweneco his son succeeded him, and after him Caesar his son succeeded him in the Sachemship; that upon Caesar's death, (which is now about twenty years since) my father Ben Uncas, commonly called Major Ben Uncas, who was the son of the said first Sachem Uncas, was, by the unanimous consent of the Moheagan Indians, accepted and declared to be the Sachem of the Moheagan Indians, and was solemnly installed into the Sachemship according to the Indians custom, and at the same time a succession of the Sachemship was, by the unanimous agreement and consent of the Moheagan Indians, and with the advice of Colonel Whiting and Captain John Mason, who were desired by the governor and council of the colony of Connecticut to be, and were then present assisting therein, settled and limited in and upon my father's family, and expressly in and upon me next to my father as *his eldest son*; the evidence whereof is preserved in a certain report made to the governor of said colony in writing, under the hands of said Whiting and Mason, dated Moheagan, September 4th 1723, ready to be produced.

171 That upon the death of my father, which is about eighteen years since, I was, by the unanimous consent of the Moheagan Indians, accepted and declared Sachem of the said Moheagan Indians, according to the settlement aforesaid, and solemnly installed into the office according to the Indian customs; and I do absolutely deny that John Uncas is Sachem of the Moheagan Indians, or that he has any right or power to assume to himself the power of a Sachem over the Moheagan Indians. And further I am advised and fully believe, that should this honourable court decree and give judgment in this case, so as to take me and my people from under the *special care* and protection of this colony, by whose constant care, protection, and defence, next under the *good providence* of God, we now continue to be a distinct nation and people under the regulation of government, and now hold a *sufficiency* of lands for ourselves and children; notwithstanding the constant attempts and endeavours of many evil-minded people to the contrary, and have for some time been taught in the *Christian religion*, which religion I and great part of my people have joyfully embraced, and now are constantly taught and instructed in by ministers appointed to that work; such a procedure would be not only to support and countenance a *schism*, which has been industriously stirred up and carried on by some evil-minded people, which I greatly fear would terminate in the shedding of blood; but it would be in direct contradiction to ancient leagues and solemn engagements entered into by the colony of Connecticut and my ancestors, and many times renewed and revived by me and my people, under which union and agreement my ancestors (as well as I and my people) have almost at all times enjoyed peace and quiet, in the possession of all our *just* rights and privileges, notwithstanding the various and unwearied endeavours of evil-minded men

men to the contrary ; and should I and my people *be taken from under the care* and inspection of this colony, and they cease their wonted care and protection over me and my people, we should soon by that means have all our lands taken from us, by the subtilty and craft of self-interested and designing men ; and so of a people at present under the regulation of a good government regularly kept up, by the agency and assistance of the colony of Connecticut, should soon become no people at all : but as the good and gracious king of Great Britain, as I am told, in his commission hath directed this honourable court, that they take care that nothing be done to the hurt or prejudice of me or my people ; so I hope and confidently trust that this court, who are now here to execute their king's pleasure, will have due regard to that part of his majesty's instruction to them.

To this declaration I Ben Uncas, chief Sachem, stand ready in court to make *oath*, and have hereunto subscribed my hand, by and with the advice of my *council*, who have underneath subscribed their hands, this 20th day of July, A. D. 1743.

Benjamin Uncas Δ his mark.
 Joshua Uncas \otimes his mark,
 Joseph Pie \otimes his mark,
 Samuel Uncas \otimes his mark,
 Henry Quaquequid \otimes his mark, 173
 John Uncas \otimes his mark,
 George Quaquequid,
 Samuel Pie \otimes his mark,
 Ephraim Johnson \otimes his mark,
 Samson Occam,
 John Wamponeg \otimes his mark.

And I Ben Uncas, chief Sachem of the Moheagan Indians, do protest against any person or persons appearing for me, in the name of chief Sachem of the Moheagan Indians, or in the name of any of the tribe of the Moheagan Indians, before this honourable court, except by express authority and power from me.—As witness my hand,

Ben Uncas, chief Sachem, Δ his mark.

The declaration of Ben Uncas, chief and only Sachem of the Moheagan Indians, to the honourable court of commissioners sitting at Norwich in the colony of Connecticut, July 6th 1743.

I the said Ben Uncas, chief and only Sachem of the Moheagan Indians, do declare to all persons whom it may concern, that my grandfather and predecessor Uncas, Sachem of the Moheagan nation, on or about the 28th day of September, in the year of our Lord *Jesus Christ* one thousand six hundred and forty, did grant unto the governor and magistrates of the English colony of Connecticut, *all his lands whatsoever,*

174 ever, to them the said governor and magistrates, to be by them disposed of in settling plantations, or otherwise as it should seem good to them, his planting lands only excepted. That about forty years afterward, to wit, in or about the year of our Lord one thousand six hundred and eighty-one, my said grandfather and predecessor did renew his league of friendship with the governor and company of the said English colony of Connecticut, and therein did acquit and resign up *all his lands and territories*, for himself his heirs and successors, to the said governor and company, to be by them disposed of to plantations, villages, and farms, as the general court in said colony should grant, the said Uncas always to receive *such reasonable satisfaction for his property therein, as he and the settlers should agree upon.*

That pursuant thereto, the said governor and company did at sundry times grant sundry townships, villages, and farms, by letters patents, to sundry English persons, saving and reserving to the Sachem and his successors sufficient planting lands as aforesaid. That I the said Ben Uncas have, by my free act and deed divers years since, *released and for ever quit-claimed* to the said governor and company, and Englishmen holding under the said grants and patent, all my right, title, interest, claim, and estate that I then had, or might, ought, or could have had to the said lands and every part thereof.

And I do hereby further declare, that the English people, to whom the said lands have been granted by the general court of the said colony, *have duly paid* to the said Uncas my grandfather, and others my said predecessors, chief Sachems of Moheagan, and to myself the said Ben Uncas, the said present chief Sachem, *a reasonable price* for their rights in said lands to *their* and my full satisfaction.

175 And I do hereby further declare, that I am in perfect amity, friendship, and good agreement with the governor and company aforesaid, and all persons claiming lands under them; and that I have no claims or demands against them or any of them, by virtue of the original and native right of me the said chief Sachem and my Moheagan natives, or by virtue of the decree of Governor Dudley and the other commissioners in favour of my uncle Oweneco, in the year of our Lord one thousand seven hundred and five, or in any other way whatsoever, *for any lands* mentioned in that decree, which are not in the present actual possession and enjoyment of me and my people.

And I do hereby further declare, that I now hold for myself and people about *four thousand acres* of good and valuable land, which is more than sufficient for the habitation and improvement of me and my nation, and with which I am fully content.

And do further declare, that I do wholly owe it to the care and kindness of said governor and company, that I or my people have at this day one foot of land in this country, the same having by *perfect sales* made by my ancestors been wholly conveyed to the English, but such parts and share thereof as are in the possession of me and my people have, by acts of said governor and company, been restored and secured to me and my people for ever, as may be made more particular to appear if needful.

Wherefore I the said Ben (otherwise by my Christian name called Benjamin) Uncas, chief Sachem of the Moheagan natives, do by these presents, in behalf of myself and

and Moheagan nation, *renounce and disclaim* to the said governor and company of the English colony of Connecticut in New England in America, all claim and demand by virtue of the decree aforesaid from me and my people: and also I *do renounce and disclaim* this present suit before your honours for any matter or thing therein contained; and I *do renounce and disclaim* for myself and nation of Moheagans all *claim and demand* of any lands in the possession of the English summoned to appear in this court, and of any lands which are not at this time in the possession of me and my people, except those lands held by Englishmen as tenants *under me*; of which declaration and act of mine, I pray this honourable court to take notice, and to enter the same in their minutes.

Done at Norwich, 6th July 1743.

Benjamin Uncas Δ his mark.

Court adjourned till nine o'clock to-morrow morning.

176 -

Thursday, July 21st 1743.

Present as above.

Court opened according to adjournment.

Mr. Bollen offered in court a writing, dated October 6th 1742, under the hands and seals of many Indians; and in evidence thereof produced Elisha Tracy, John Waterman, and Thomas Grift, who being examined in court gave in their several depositions. [Printed from page 338 to 342 inclusive of the original.]

Court adjourned till four o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

It was admitted by the governor and company, that Captain Samuel Mason, mentioned in the act of the general assembly holden at Hartford, October 13th 1692, in paper-book page 43, and who was grandfather of John and Samuel Mason, mentioned in his majesty's present commission of review, died in March 1704-5; and that Captain John Mason (father of the said John and Samuel Mason named in the present commission of review) mentioned in paper-book page 67, (there named thus, "Captain John Mason, son-in-law to the said Major Samuel Mason, and grand-son to the late Major John Mason") died December 1737.

Court adjourned till nine o'clock to-morrow morning.

Friday,

Friday, July 22d 1743.

Present as above.

477

Court opened according to adjournment.

And in further evidence of said writing of October 6th 1742, Mr. Bollan produced Cyrus Afhconend, who upon oath declared. [Prout from page 342 to 344 inclusive of the original.]

And on cross examination questions were put, and by the said deponent respectively answered. Prout.

The agents of the governor and company objected against the admission of said writing of October 6th 1742, yesterday offered by Mr. Bollan as an exhibit, and the parties being heard thereon.

Ordered, That the said writing be received as an exhibit, and the same was read. [Prout page 338 of the original.]

Court adjourned till four o'clock afternoon.

Post Meridiem.

Present as above.

Court opened according to adjournment.

Produced part of an original deed from Uncas, Oweneco, and Attawanhood, dated June 6th 1659.

Also produced and read an attested copy of the record of the whole of said deed. [Prout page 360 and 361 of the original.]

Produced an original deed from Uncas and Oweneco, to Thomas Tracy and Thomas Leffingwell, dated April 28th 1668, for inspection, &c.

Produced an original deed from Uncas Sachem, and Oweneco his son, to Thomas Hollister, dated March 18th 1675, to inspect.

Produced

Produced a map of the Moheagan Sachems hereditary country platted, August 1781st 1705, by John Chandler, surveyor, accepted by the governor and company, as sworn to by said Chandler in court. Annexed between page 337 and 338 [of the original]. Vide the engraved plan.

Produced Colonel John Chandler, who being sworn in court gave in his deposition, prout page 350 [of the original].

And upon cross examination, said John Chandler upon oath further said, prout page 350 and 351 [of the original].

Produced and read a writing, dated June 1st 1743, signed and sealed by many Indians, *admitted by the governor and company* to be legally executed by the persons signing the same prout page 345 [of the original].

Mr. Bollan, in *answer to the further exception* of the governor and company exhibited by Mr. Smith on Tuesday last, said, that the further exception of the said governor and company to the said judgment of Governor Dudley and others is insufficient.

1st, For that the matter by the said governor and company alledged in their said exception, viz. that Edward Palmes was a party interested in the matters of controversy at the time of said decree, &c. is not true.

2dly, For that the matters by them alledged, if true, is altogether insufficient to cause a reversal of the judgment aforesaid.

WILLIAM BOLLAN.

Court adjourned till to-morrow morning at ten o'clock.

Saturday, July 23d 1743.

Present as above.

Court opened according to adjournment.

The parties not prepared to proceed.

Court adjourned till next Monday morning nine o'clock.

G g

Monday,

Monday, July 25th 1743.

179

Present as above.

Court opened according to adjournment.

Admitted by consent of parties, that as to that part of the decree of Joseph Dudley, Esq; and others, *concerning costs*, her late majesty queen Anne was pleased, by order in council of the tenth of June 1706, or about that time, to direct that the said sentence of costs, in the judgment or decree aforesaid, *should be reversed, and it was reversed accordingly.*

The parties prayed time to inspect the minutes.

Court adjourned till to-morrow morning at nine o'clock.

Tuesday, July 26th 1743.

Present as above.

Court opened according to adjournment.

Mr. Bollan moved that John Hutchens might be admitted to amend the return by him made, in obedience to process of this court to him directed,

Court adjourned till three o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

Mr. Bollan waived his said motion touching said Hutchens's return.

By order of court *proclamation was made* in the words following; viz.

180 Oyez.—All persons who have been summoned to appear before this his majesty's court of commissioners, appointed to re-examine, review, finally decide, and determine a cause or controversy depending between the governor and company of the colony of Connecticut and the Moheagan Indians, let them attend and exhibit

exhibit their allegations, matters, and instruments, writings and proofs, and they shall be heard.

Court adjourned till to-morrow morning at nine o'clock.

Wednesday, July 27th 1743.

Present as above.

Court opened according to adjournment.

Isaac Pinny suggesting, that he claims the property of the land possessed by James Tillotson (who was summoned and made default) moved that the appearance of him the said Pinny may be entered, which is ordered accordingly.

The several powers of attorney to John Bulkley, Esq; and to Mr. James Brown and Mr. James Harris, executed by the several possessors of land in controversy for whom they have respectively appeared, as per the list of their names on the minutes, were produced, read, and filed.

A writing, signed John Bulkley, James Brown, James Harris, importing their protestation, &c. was by them exhibited in court and read, and ordered to be put upon the minutes, as follows:

The protestation of John Bulkley, Esq; for himself and for all others for whom he hath appeared, and James Brown, Esq; and James Harris, attorneys to all others summoned, who have been called and appeared as tenants of land within the colony of Connecticut, humbly offered to the honourable court of commissioners, sitting at Norwich in Connecticut this 27th day of July, anno Dom. one thousand seven hundred and forty-three, pursuant to the proclamation made yesterday. 181

The said tenants do each of them respectively alledge and say, that he is summoned to be and appear before this court, with his allegations or matters and instruments, writings and proofs, relating to a cause or controversy depending between the governor and company of the colony of Connecticut and the Mohegan Indians, in order for the hearing, re-examining, reviewing, finally deciding, and determining of the same by this court of commissioners; and further, to do and receive what the said commissioners shall in their judgment decree to be just and right therein; in which summons it is also alledged, that *each of them are possessors of land in said controversy*, as by the said summons, to which the said tenants and each of them doth refer, doth and may appear; and the said tenants do each of them respectively further say, that he has appeared in this court, in obedience to the said summons, and most of them have attended the rules, orders, and directions of this court for the space of three weeks last past, during all which time they do not find that any complaint hath been filed

182 filed against any of them by any person whomsoever ; nor do they yet know or can they learn for what reason or cause they are called from their families and private affairs to attend this court, nor is it shewn with any sufficient certainty, how they or any of them are any ways interested in or concerned with the cause or controversy depending between the governor and company of the colony of Connecticut, and the said Moheagan Indians, so as that they are enabled to say any thing thereto ; wherefore they do and each of them doth *protest* against all and every person and persons who have procured the said tenants respectively to be summoned to appear before this honourable court, and have not shewn for what cause or reason they the said tenants are brought hither : they do also each of them protest against all or any proceeding or proceedings of this court any ways affecting them in their persons, interests, or estates, till some complaint be exhibited against them and each of them, by some person or persons lawfully qualified to exhibit the same, and until they and each of them respectively have had opportunity to answer and defend against such complaint ; and they do also further, by protestation, save to themselves all lawful exceptions and defences to jurisdiction, or any matter touching or any way concerning their right to their several freeholds within this colony ; to which exceptions and defences they and each of them of right are entitled, and unless cause be shewn to the contrary the said tenants pray that they may be dismissed from any further attendance at this honourable court, by virtue of the summonses and appearance aforesaid, and that this protestation may be entered on the minutes of this court.

JOHN BULKLEY,
JAMES BROWN,
JAMES HARRIS.

Court adjourned till three o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

Court adjourned till nine o'clock to-morrow morning.

Thursday,

Thursday, July 28th 1743.

Present as above.

Court opened.

183

The motion contained in the close of the writing yesterday exhibited, viz. that unless cause be shewn to the contrary the said tenants may be dismissed from any further attendance at this honourable court, by virtue of the summonses and appearances aforesaid, was now enforced, and the opinion of the court prayed.

Mr. Bollan prayed time till the afternoon to answer.

Court adjourned till three o'clock afternoon;

Post Meridiem.

Present as above.

Court opened.

Mr. Bollan to the above motion gave the following answer:

And the said Mohegan Indians say, that the aforesaid Joseph Dudley, Esq; and other commissioners appointed by her late majesty queen Anne, by their judgment given at Stonington in August 1705, in the aforesaid cause depending before them between the said Indians and the governor and company of the said colony of Connecticut, considered and adjudged that the said Indians and their Sachem should be immediately put into the possession of all their planting ground lying between New-London and Norwich, containing eight miles in length and four miles in breadth, or thereabouts, as the same was then surveyed and marked; as also of another smaller tract of land upon the north bounds of Lyme, containing nine miles in length and two miles in breadth, the west end thereof lying on Connecticut river; and also one other large tract of hunting land between the bounds of Norwich and Haddam, which last mentioned tract is more largely in said judgment described thus, viz. one other very large tract of hunting land lying between the bounds of the towns of Norwich, Lyme, Lebanon, Metabasset, and Haddam, which judgment is now under the re-examination and review of this court: and the said Mohegan Indians say, that the persons summoned as possessors of the lands in controversy to appear before this court, have entered into and sold the said lands so adjudged to the said Indians; that is to say, George Richards, Esq; and the other persons returned by Joseph Tracy jun. summoned as possessors of lands in controversy in the north parish of New-London, according to the list of the said persons by this court taken and entered on their minutes, have entered into and kept possession of the said tract of land, containing

184

H h

taining

taining *eight miles in length* and four miles in breadth, or thereabouts; and *John Gilbert* and the other persons returned, summoned as possessors of land in controversy in *Lyme*, according to the list of them taken and entered as aforesaid, *have entered into and possess* the said tract of land containing *nine miles in length* and *two miles in breadth*; and *Daniel Worthington* and other persons returned by the officers, summoned as possessors of land in controversy within the township of *Colchester*; and *Thomas Dunham* and the other persons returned by the officers, summoned as possessors of the lands in controversy lying within the township of *Hebron*, *have entered into and possess* the said large tract of *hunting land*: whereupon the said Indians say, that such of the said tenants and possessors of the said lands as have moved, that, unless cause be shewn to the contrary, they be dismissed from any further attendance at the court, ought not to be dismissed; but because they are possessed of the said lands: adjudged to the said Indians as aforesaid, and because that judgment is now reviewed before this court, they ought to be held to make their allegations and proofs if any they have, whereby they would avoid the said judgment's being affirmed and carried into execution; and the said Mohegan Indians pray judgment accordingly.

WILLIAM BOLLAN.

185 Court adjourned till nine o'clock to-morrow morning.

Friday, July 29th 1743.

Present as above.

Court opened.

John Bulkley, Esq; one of the persons summoned as a possessor of land in controversy between the governor and company and the Mohegan Indians, for himself and for those for whom he hath appeared, and Messrs. James Brown and James Harris, for those for whom they have respectively appeared, exhibited a *plea to the jurisdiction of this court*, in the following words:

Whereupon the tenants of land within this colony who have been summoned to appear in this court, to wit, John Bulkley, Esq; Nathanael Foot, Esq; Israel Newton, Esq; Joseph Otis, Esq; Joshua Raymond, Esq; George Richards, Esq; Samuel Lessingwell jun. William Whiting, John Noble, Thomas Collet, Samuel Fox, Abner Avery, Robert Denison, George Lefavours, David Jewet, Isaac Hammond, Noah Hammond, John Copp, Samuel Copp, William Minor, David Copp, Jonathan Copp, Jason Allen, Samuel Allen, George Minor, Christopher Darrow, John Minor, Joseph Attwell, Robert Chapman, Joshua Baker, James Baker, James Otis, Daniel Rogers, John Richards jun. Daniel Brown, George Richards jun. Peter Button, Isaac Thompson, Joseph Otis jun. Philip Malfer, Gilbert Lilly, Ebenezer Rogers, Samuel Avery, William Vebber, John Vebber, William Cascadin, Stephen Maples, George Hill, Peter Wickwere, Abraham Avery, Israel Dodge, Gideon Baker, Eleazar Chappel, John Vebber, Stephen Gardiner, Daniel Johnson,

Johnson, Joseph Bradford jun. Adonijah Fitch, Daniel Fitch, Daniel Worthington, Jonathan Kilburn, Josiah Rockwell, Isaac Jones, William Harris, Jonathan Daniels, Stephen Gardiner, John Chapman, Joseph Pomery, Noah Wells, Jacob Loomis, Broadhurst Bacon, David Dodge, Simon Tubbs, Thomas Gustin, Ichabod Wickwere, Samuel Tozer, Charles Bulkley, Jabez Jones, James Jones, Robert Ranfom, James Newton, Samuel Brown, Daniel Chapman, John Kellogg, Joshua Jones, Clement Daniels, Samuel Dodge, John Clerk, Oliver Bulkley, David Johnson, John Johnson, Benjamin Rothbone, William Dickson, Jonas Hamblton, George Dolbere, Benjamin Thompson, Ephraim Foot, John Roberts, John Waters, Ebenezer Day, Elisha Prat, James Mun, Daniel Foot, Dudley Wright, Ephraim Little, Daniel Clerk, John Smith, Mark Roberts, Jonathan Wells, Eliakim Hitchcock, John Hitchcock, Samuel Rogers, Josiah Foot jun. James Treadway, Josiah Gates, Joseph Sweet, Deliverance Waters, Elijah Worthington, William Worthington, John Holmes, George Holmes, Ichabod Randal, Ebenezer Palmerter, Peter Bulkley, John Holmes jun. Samuel Loomis jun, Joseph Foot, Benjamin Quitterfield, James Mun jun. Samuel Loomis, Daniel Clerk jun. Nathanael Otis, Jonathan Kilburn jun. Noah Pumroy, Nathanael Kellog, John Wells, Joseph Wright, Ichabod Lord, Philip Coverly, Thomas Wells, Jonah Clark, William Marriner, John Chamberlain, John Adams, Daniel Adams, Samuel Day, Benjamin Chamberlain, Epaphras Lord, Samuel Fuller, Jonathan Northan, William Chamberlain, Timothy Wright, Peleg Chamberlain, Andrew Carryer jun. Oscan Fuller, David Biggelow, John Waters, Abraham Day, Benjamin Skinner, Daniel Morgan, Michael Stewart, John Gilbert, Christopher Wickwere, Benjamin Williamis, Ephraim Harris, Abraham Harding, John Perkins, Daniel Lord, Samuel Tubbs, Jacob Bacon jun. Jasper Griffing, Joseph Giddings, Samuel Reed, Benjamin Cott, Thomas Giddings, Henry Bennet, Henry Bennet jun. Isaac Rowley, Nathanael Griffin, Jonathan Giddings, Thomas Dunham, Benjamin Beech, Azariah Beech, Richard Beech, John Porter, David Porter jun. John Darby, Obadiah White, Samuel Chubb, Gideon Chubb, Joseph Skinner, Joseph Kellogg, Joseph Kellogg jun. Daniel Kellogg, Benjamin Kneeland jun. John Chamberlain, Daniel Jones, John Chamberlain jun. William Chamberlain, John Beech, Benjamin Skinner jun. Samuel Buel, William Buel, and Solomon Phelps.

186

187

By protestation, not confessing or acknowledging to be true any of the matters and things by the said William Bollan mentioned to be said by the Mohegan Indians, as a reason why the said tenants should not be dismissed, &c. do pray hearing of the commission of her late majesty queen Anne to Joseph Dudley, Esq; and others, entered in the minutes of the proceedings of this court; and it is read to them, prout.

And also they pray hearing of the commission of his present majesty to your honours, by which this present court doth sit, entered in the minutes of the proceedings of this court; which is read to them, prout.

Which being read and heard, the tenants aforesaid and every of them by protestation, saving to themselves all lawful exceptions to the manifold false suggestions, incertainties, insufficiencies, untruths, and defects in the pretended proceedings and decree of the said Joseph Dudley, Esq; and others in the first commission named, to the end that they and each of them may not be concluded by the said pretended decree,

188

cree, without a full defence against the same, if any such decree there be, to which pretended decree and proceedings they were and are strangers; saving also to themselves all other exceptions to which of right they and each of them ought to be entitled in defence of their freeholds, by them and each of them respectively held; they do say, that his late majesty king Charles the Second did by his royal charter under the great seal of England, entered in the minutes of this court, grant, as by the said charter under the great seal of England, ready to be produced, may appear.

And the tenants aforesaid do each and every of them further say, that they and each of them are *freemen*, natural born subjects of the crown of Great Britain, and that they and each of them do claim and hold the land now in each and every of their respective possessions, situate, lying, and being within the colony of Connecticut, &c. within the limits and boundaries mentioned in the said charter, and by virtue of good and sufficient titles *derived from and under the same*: and the tenants aforesaid and each of them do further say, that they ought not to be called in question, nor ought any decree to be given in this court, touching or any ways concerning their right of freehold and inheritance in the lands aforesaid by them respectively held.

1st, Because the commission aforesaid to Joseph Dudley, Esq; and others therein named, and the present commission by which this court is held, do not, nor either of them doth sufficiently express any power to be granted to the commissioners in each respective commission named to call the tenants of any lands within this colony into question in a course of equity before the said commissioners, concerning the right or title of the said tenants to any lands by the said tenants respectively held, and to determine upon their right and titles to their respective freeholds, and to evict them out of the same.

189

2dly, Because if such commission had been granted by queen Anne, or such commission had been granted by his present majesty, in the fullest terms, to empower the commissioners in each respective commission named to call the tenants aforesaid or each or any of them, or any English private person or persons under whom they or any of them do claim, either before the said commissioners named in the said commission of queen Anne, or before the said commissioners named in the said commission of his present majesty, to answer *in a course of equity*, touching their right of freehold and inheritance in the lands aforesaid by them and each of them respectively held within this colony, and to determine upon their right and titles to their respective freeholds, and to evict them out of the same, the same commissions and each of them would be and are contrary to the laws and statutes of that part of Great Britain called England and the laws of this colony, which the tenants aforesaid and each of them doth claim as his undoubted birthright and inheritance, and contrary to the royal charter of king Charles the Second before recited, and contrary to those laws that have been made within this colony, well warranted by the said charter for the security of the property of the tenants of lands within the same, under which charter and laws the said tenants as aforesaid do, and each of them doth hold the lands in their and each of their possession; all which the said tenants and each and every of them do aver to be true, &c.

Wherefore

Wherefore the said tenants, and each and every of them, do except to the said commission, and each of said commissions, *as unwarrantable and illegal*, so far as they are mentioned or construed to impower the commissioners in each respective commission named to call the said tenants, or any of them, into question touching their right of freehold within this colony, *to determine thereupon*, or to evict them out of the same; and humbly pray the opinion of this court, whether they or any of them shall be held to make any further plea or answer before this court touching or concerning their right to their freeholds aforesaid, and pray to be hence dismissed, &c.

Norwich,
29th July 1743.

JOHN BULKLEY, } for himself and for those for whom he
 } hath appeared.
JAMES BROWN and } attornies to the tenants afore-named, for
JAMES HARRIS, } whom they respectively appeared.

The court adjourned till four o'clock afternoon.

199

Post Meridiem.

Present as above.

Court opened.

Mr. Bollen filed *his demurrer* to the said plea to the jurisdiction as follows; and the said Mohegan Indians say, that the aforesaid plea of John Bulkley, Esq; and others, made to the jurisdiction of this honourable court, is altogether insufficient and bad, and of this they pray judgment; and that this honourable court take the *entire cognizance* of the whole cause aforesaid, depending by review before this court between the said governor and company of the said colony of Connecticut and the said Mohegan Indians, with all its incidents, emergencies, and dependencies, and adjudge and order the said John Bulkley, and other possessors of the lands by the aforesaid judgment of the said Joseph Dudley, Esq; and others adjudged to the said Indians, without further delay, to make their pleas and proofs (if any they have) to avoid that judgment's being by this court affirmed and carried into execution.

WILL. BOLLAN.

In which demurrer the said John Bulkley, Esq; &c. joined in the words following :

And the said John Bulkley, Esq; and others before named say, that the plea aforesaid is *good and sufficient law*, &c.

JOHN BULKLEY, for himself and those for whom he appeared.
JAMES BROWN, } attorneys for the tenants for whom they have
JAMES HARRIS, } respectively appeared.

Court adjourned till to-morrow morning at nine o'clock.

Saturday, July 30th 1743:

Present as above.

491

Court opened according to adjournment.

The counsel for the said tenants, and also for the said Mobeagan Indians were fully heard on the aforesaid plea to the jurisdiction, &c.

Court adjourned till next Monday morning at eight o'clock.

Monday, August 1st 1743.

Present as above.

Court opened according to adjournment.

The court were of opinion that the said plea to the jurisdiction should be *over-ruled*; and in favour of said opinion Mr. Commissioner Horfmanden offered his reasons in writing, and desired them to be entered on the minutes as follows:

As to the plea to the jurisdiction of this court, offered on behalf of those persons who have been summoned to appear here as tenants of the lands in controversy;

Mr. Commissioner Horfmanden gave his opinion thereupon in court as followeth:

The Indians, though living amongst the king's subjects in these countries, are a *separate and distinct people from them*, they are treated with as such, *they have a polity of their own*, they make peace and war with any nation of Indians when they think fit, *without controul* from the English.

192 It is apparent the crown looks upon them not as subjects, *but as a distinct people*, for they are mentioned as *such* throughout queen Anne's and his present majesty's commission by which we now sit. And it is as plain, in my conception, that the crown looks upon the Indians as having the *property of the soil* of these countries; and that their lands are not, by his majesty's grant of particular limits of them for a colony, thereby appropriated in *his subjects* till they have made *fair and honest* purchases of the natives.

So that from hence I draw this consequence, that a matter of property in lands in dispute between the Indians *a distinct people* (for no act has been shewn whereby they

they became *subjects*) and the English subjects, cannot be determined by the laws of our land, but by a law *equal to both parties*, which is the law of *nature and nations*; and upon *this foundation*, as I take it, these commissions have most properly issued.

And now to maintain that the tenants in possession of the land in controversy are not bound to answer the complaint before this court, is to endeavour to defeat the *very end and design* of our commission; for surely it would be a very lame and defective execution of it, to hear only the matter of complaint between the *tribe* of Indians and *this government*.

The complaint to the crown has been that this government and the members of it have unjustly dispossessed the Indians of some of their lands; and if this should come out to be the fact, what is the redress sought for? what the remedy intended? even nothing less than to be restored to the *possession* of those very lands.

And can any one maintain, that it is consonant to reason and equity that possession 193 should be decreed to the Indians (in case, upon hearing, justice should require it) without holding the tenants of such lands to make their defence, or entering their default if they are contumacious, and will not when they may?

This is in my opinion a step absolutely necessary to be taken; it is a matter *incidental* to the cause, and does necessarily *emerge* out of it; without which we cannot determine the *whole cause and strife*, as the words of the commission are.

And in my opinion it would be the most absurd piece of *management* in the court to declare against it, and be deficient in a matter so obvious and apparent to common sense, and which in its consequence must tend to the utter defeat of the very design and intent of his majesty's commission.—Therefore I am clearly of opinion that this plea ought to be *over-ruled*.

Mr. President Colden dissenting, delivered and directed to be put on the minutes the reasons of his opinion, as follows :

I can in no manner consider the Mohegan Indians as a *separate or sovereign state*, or that either Ben Uncas or John Uncas are in any sense *sovereign princes*; such a position in this country, where the state and condition of Indians are known to everybody, would be exposing majesty and sovereignty to ridicule, it might be of dangerous consequence, and not to be suffered in any of his majesty's courts, could I imagine it could have any influence on the minds of the people who heard it advanced; both Ben Uncas and John Uncas, and every one of the Mohegan nation, are born under *allegiance* to the crown of Great Britain; and if any or all of them should make war upon the subjects of Great Britain, and afterwards be brought to justice, they must be adjudged *traitors*, and would as justly be hanged, drawn, and quartered, as any *other the king's subjects* could be in the like case.

Notwithstanding of this, I hope no man can think I do these Indians any injury in the present case before this court, when I allow them to be *subjects* of Great Britain, 194
3
enjoying

enjoying the benefit and protection of the English law, and all the privileges of British subjects.

When *special powers* out of the course of the common law are given to commissioners for particular purposes, those powers are strictly to be pursued, and can in no manner be enlarged by implication; for though it be said by a great English lawyer, *boni judicis est ampliare jurisdictionem*, this is to be understood as to jurisdiction by the *common law* only, and not to the extending jurisdictions which may have a tendency to the subversion of the *common law*. When any judges have attempted to enlarge such jurisdictions, I do not remember to have heard that any of them thereby established the character of *boni judices*, but that the contrary has more than once happened: since therefore there are no powers given to this court, by *express words*, to question or determine the right of freehold or inheritance of any *particular* persons, and to evict them out of the same, other than the governor and company of Connecticut, or the Sachem and tribe of the Mohegan Indians; I am of opinion that this court ought not and cannot assume such power.

The arguments for assuming such power drawn from the writ of *Scire facias*, after a judgment at common law affecting the land, are, in my opinion, all inconclusive in a court which proceeds on English bill.

If a man seeks remedy in any court for any injury, he must be contented with such remedy as that court has power to give; for in my opinion it will not be sufficient justification to that court to enlarge their power, because in their opinion they cannot otherwise give a remedy adequate to the injury; the prosecutor must blame himself for applying to a court who had not sufficient authority to redress.

The only parties in this suit, so far as it appears to me, either from the commission, or from the complaint of Oweneco recited in the commission, or from the judgment of Mr. Dudley and others, are the governor and company of Connecticut on the one side, and the Mohegan Indians on the other; the said governor and company only are charged to have done the injury, and against them only is the judgment given. In order therefore to subject the tenants to answer in this court and to the judgment of this court, it must appear either that they were charged, in the original complaint before the commissioners, to have been privies at least to the injury done to the Mohegan Indians by the governor and company, and their privy thereto set forth in that complaint, or that by bill now filed in this court they be in like manner charged with privy to the said injury before they can be put to answer; but as no such privy appears to me to be charged on them or any of them, either in this court or in the first court which gave judgment, I am of opinion that the tenants are no parties in this suit, and ought to be dismissed.

Mr. Smith, of counsel for the governor and company, offered reasons against further hearing the tenants, till upon hearing the defence of the governor and company it be found necessary; which were read and ordered to be put on the minutes, as follows:

Reasons

Reasons humbly offered by the said governor and company, to shew why this honourable court should not proceed further against the tenants summoned in this court, until, after hearing the defence of the said governor and company, it shall be found to be needful. 196

1st, For that the said governor and company, in defence against the said decree of Governor Dudley and others, have taken divers exceptions for matters apparent therein, any one of which being found good and sufficient will make void the said decree against the said governor and company, and all tenants of lands within this colony.

2dly, For that said governor and company in their defence aforesaid, among other matters insisted on by them as a full defence against the said decree, have alledged that the said Indians had sold or granted to the English subjects all their native or Indian right within this colony before the decree, which point being adjudged by this court to have been proved by the said governor and company, will decide the whole controversy, as stated in the commission to Governor Dudley and others, and make void the said decree against the said governor and company and all tenants of lands within this colony.

3dly, For that this court's proceeding to a hearing of the defence of the said governor and company, saving to said tenants their particular defences, cannot work any prejudice to the chief Sachem or Mohegan Indians.

4thly, For that the hearing the particular defences of the tenants summoned and appearing in this court will occasion a vast expence of time and money, which the said governor and company humbly hope, upon hearing their defence against the said decree, will appear altogether needless.

Wherefore and for all and singular other reasons contained in the defence of the said governor and company, and for that the defence of the said governor and company and the defence of the said tenants are really so far distinct, as that the said governor and company have nothing to do with any part of the particular defence of the said tenants, other than what are contained in the defence of the said governor and company; they pray that they may be *first heard*, before there be any further proceedings against the tenants summoned in this court. 197

WILLIAM SMITH,

Norwich,
1st Aug. 1743.

of counsel with the governor and company.

And the governor and company and the Mohegan Indians by their counsel agreed now to proceed, and sum up and enforce the evidence by them respectively given, and to debate such points of law and right as arise from the same.

K k

Where:

Whereupon Mr. Smith, in behalf of the governor and company, began the debate on the merits of the cause.

Court adjourned to three o'clock in the afternoon.

Post Meridiem.

Present as above.

Court opened according to adjournment.

The debate on the same side continued by Mr. Smith and Mr. Fitch.

Court adjourned till nine o'clock to-morrow morning.

Tuesday, August 2d 1743.

Present as above.

Court opened according to adjournment.

The said debate on the same side further continued.

Court adjourned till three o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

The said debate on the part of the governor and company proceeded to a conclusion.

198 Court adjourned till nine o'clock to-morrow morning.

Wednesday,

Wednesday, August 3d 1743.

Present as above.

Court opened according to adjournment.

Mr. Bollan in behalf of the Moheagan Indians began his argument on the merits.

Court adjourned till four o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

Mr. Bollan's argument continued.

Court adjourned till to-morrow morning at nine o'clock.

Thursday, August 4th 1743.

Present as above.

Court opened according to adjournment.

Mr. Bollan's argument further continued.

Court adjourned till three o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

Mr. Bollan proceeded to a conclusion of his argument.

Court adjourned till nine o'clock to-morrow morning.

Friday,

Friday, August 5th 1743.

Present as above.

Court opened according to adjournment.

The said *John Bulkley and others*, who pleaded to the jurisdiction of the court, now pleaded as follows :

The said John Bulkley, Esq; and others who have pleaded to the jurisdiction of this court, saving to themselves and each and every of them, saving to himself his right to have the *chief Sachem* of the Moheagan Indians, the true and real successor of Oweneco, heretofore chief Sachem of the said Moheagan Indians, called or otherwise marked, singled out, and distinguished from the other Indians who have appeared in court by some act done in this court; saving also to themselves and to each and every of them their right to know the complaints of the said Oweneco to the said Governor Dudley and others, and to have the same produced by any chief Sachem or Indian claiming benefit by the said decree; saving also their right to be informed with sufficient certainty, who were the principal Sachems of the Moheagan Indians mentioned in the commissions aforesaid, to have been the chief proprietors of the lands in the colony of Connecticut in New England, upon the first coming of the English subjects to inhabit these parts, what grant or grants they made to the English of what lands to whom in particular, and the date or dates of such deed or deeds, in order that the said deed or deeds may be produced by the said tenants, or by such person or persons who have the custody or possession of the same, to this court to be inspected, that it may appear whether any lands and what lands are reserved therein; and also that it may appear that any such reserved lands are mentioned or contained among the lands described in said decree; saving also to themselves as they in their plea to the jurisdiction aforesaid have saved, and all benefit and advantage thereof and thereby; saving also to themselves all and singular the matters and things set forth by the said governor and company in their defence against the said pretended decree of Joseph Dudley, Esq; and others, and the proofs and proceedings relating thereto, and all and singular the proofs and evidences in the case of the said governor and company on the present trial, so far as they concern or may be of benefit to the said tenants and each and every of them; saving to themselves also all further lawful exceptions; do say, that *the decree aforesaid* (if any be) *ought to be reversed* and of no effect for reasons declared by the said governor and company in their defence against the said pretended decree, to which the said tenants and each of them doth refer and do defend themselves *thereby*, and say each for himself as the said governor and company hath said, and insist on the proofs and evidences before and now to be produced and appearing in this court for their *several defence*; and further say that they and each of them *hath entered and doth hold the land in his respective possession*, by virtue of lawful Indian grants or purchases *for good* and valuable considerations paid to the native Indians, and do not hold any lands mentioned or contained within said pretended decree, which hath not been granted by the native Indian proprietors thereof to them, or those under whom they respectively claim the same; and this they are ready to verify, &c.

Wherefore they pray to be hence dismissed, &c.

JOHN BULKLEY, for himself and those for whom he hath appeared,
 JAMES BROWN, attorney for those for whom he hath appeared,
 JAMES HARRIS, for those he doth appear for.

Mr. Smith closed his argument on the merits.

Court adjourned till three o'clock afternoon.

Post Meridiem.

Present as above.

Court opened.

Mr. Fitch on the same side concluded the debate.

Benjamin Uncas came into court, and exhibited a writing under his hand as follows:

Benjamin Uncas, chief Sachem of the Moheagan Indians doth say, that James Harris, James Harris jun. Jonathan Harris, and Libæus Harris, do, and each of them doth hold land within that tract between the old bounds of *New London and Norwich* as tenants under him, as being chief Sachem of the Moheagan Indians.

Benjamin Uncas \triangle his mark.

The said James Harris, James Harris jun. Jonathan Harris, Libæus Harris, acknowledged that they held by a lease from Ben Uncas part of the *sequestered* Moheagan lands, and pretended to no other right or title.

Court adjourned till nine o'clock to-morrow morning.

Saturday, August 6th 1743.

Present as above.

Court opened according to adjournment.

Mr. Brown, in behalf of the tenants for whom he hath appeared, exhibited the following writings, which were read.

L }

An

An attested copy of a deed from Oweneco to Jonathan Rogers, dated November 12th 1698. [Prout page 363 of the original.]

- 202 An original deed from Oweneco to Jonathan Hill, dated January 14th 1703-4. [Prout page 364 of the original.]

An original deed from Oweneco to Elizabeth Tongue, dated November 14th 1698. [Prout page 365 of the original.]

An attested copy of a deed from Oweneco to Samuel Rogers, dated April 29th 1693. [Prout page 366 of the original.]

An attested copy of a deed from Oweneco to Robert Denison, dated January 11th 1709. [Prout page 367 of the original.]

An attested copy of a deed from Oweneco to John Plumb, dated April 3d 1707. [Prout page 371 of the original.]

An attested copy of a deed from Oweneco to Jonathan Hill, dated April 3d 1707. [Prout page 373 of the original.]

An attested copy of a deed from Oweneco to Charles Hill, dated April 3d 1707, for four hundred acres of land. [Prout page 375 of the original.]

All the lands mentioned in the several deeds above referred to (save only the one half of the contents of the last) were admitted by Mr. Samuel Mafon to lie within the eight miles and four miles, between the old line of New London and Norwich south bounds, mentioned in the judgment of Governor Dudley, and commonly called the *sequestered* lands.

Mr. Brown further produced and read an attested copy of a deed from Oweneco to John Stanton, dated the 13th day of July 1691. [Prout page 377 of the original.]

- 203 Also an attested copy of a deed from Oweneco to Theophilus Stanton, dated November 11th 1698. [Prout page 379 of the original.]

Also an attested copy of a deed from Uncas and Oweneco to Samuel Rogers, dated March 10th 1676-7. [Prout page 381 of the original.]

By order of court proclamation was three times made in the words following :

Oyez. — All manner of persons who have any further evidence to give in this cause depending between the governor and company of the colony of Connecticut, and the Moheagan Indians, let them now come forth and exhibit the same.

Whereupon the parties declared they had no further evidence.

Mr. Samuel Mafon exhibited, in writing under his hand, as follows, viz.

These lines are to inform the honoured court of commissioners, now sitting in Norwich, that some time in April, within the year 1742, one Ben Uncas, with a certain committee appointed by the general court of Connecticut, did then execute a lease of all that *small tract* of land which the Indians claim as their right to improve, which lieth on the eastermost part of the sequestered land, containing about four thousand acres, unto one James Harris of New London, for the space of *twenty years*; and said Harris gave security to said Ben Uncas only for the rent, which the rest of the Indians hath no benefit by; and therefore the said Indians pray relief.

August 5th 1743.

Ordered, That Mr. Harris do produce his original lease from Ben Uncas, by virtue whereof he claims to hold the lands in controversy in his possession; and he produced the said lease accordingly, as follows.

Lease from Ben Uncas, with advice of committee of general assembly, to 204
James, Jonathan, and Libæus Harris, 25th March 1742.

This indenture of lease, made March the 25th day, A. D. 1742, by and between Ben Uncas, Sachem of the Mohegan Indians, in New London, in the county of New London, in the colony of Connecticut, and also with the advice and consent of Samuel Lynde, Esq; and John Richards, a committee appointed by the general assembly of said colony at their sessions in May, A. D. 1739, to assist the said Sachem, on the one part, and James Harris, Jonathan Harris, and Libæus Harris, all of said New London, on the other part, witnesseth, that the said Ben Uncas, with the advice and consent of the said Samuel Lynde and John Richards, in consideration of the rents, covenants, and services in these presents mentioned to be by the said James Harris, Jonathan Harris, and Libæus Harris, their heirs, executors, and administrators, paid, satisfied, done, and performed, doth therefore lease, set, and to farm let unto the said James Harris, Jonathan Harris, and Libæus Harris, their heirs and assigns, one certain tract or parcel of land and buildings, *lying situate within the Mohegan fields*, in said New London; and the same is butted and bounded as follows: Bounding northerly on land in the possession of Abraham Avery and Adonijah Fitch, from Stony-Brook to Trading-Cove brook, and so, by Trading-Cove brook, to New London river; and then bounding by New London river till it comes to land belonging to Samuel Avery, where the said Avery now dwells; from thence, by said Avery's land, till it comes southerly to land in the possession of Peregrine Gardiner, called *the Forty Rods*; and thence westerly, by said Forty Rods, till it comes to the road from New London to Norwich; thence westerly, bounding with the land of Joshua Raymond, Esq; till it comes to Stony Brook; and from thence, northerly, bounding on Stony Brook, till it comes to the first bounds, with the buildings, fences, privileges, and appurtenances thereof: To have and to hold the said leased and letten premises, with all and singular the appurtenances, unto the said James Harris, Jonathan Harris, and Libæus Harris, their heirs and assigns, to them and their own sole and proper use, for
and.

and during the full space of *twenty years*, commencing from the day of the date hereof until the said term of time shall be fully ended; during said term the said James Harris, Jonathan Harris, and Libæus Harris, their heirs and assigns, shall use and improve the said leased premises in good and husband-like manner, and not make strip or waste thereof, but shall preserve the timber thereon, and not use any more thereof than for fire-wood, house-wood, and fence-wood; in consideration whereof, the said James Harris, Jonathan Harris, and Libæus Harris, do covenant and promise, for themselves, and their heirs, executors, and administrators, to pay yearly, and at the end of each year during the term of this lease, as a rent for the premises, unto the said Ben Uncas, his heirs or assigns, the full sum of sixty five pounds current money: and it is further to be fully understood, any-thing in these presents to the contrary notwithstanding, that (excepting the Fort-hill farm, and those tenements lately in the tenure and occupation of Captain John Mason deceased, and also those lands in the tenure and occupation of Jonathan Morgan and Samuel Fairbanks) the lessor, and all the rest of the Mohegan Indians, shall have the free and full liberty, at all times during the term of this lease, to plant and improve in any part of the leased premises for their own use only; and in case any of the Mohegan Indians should have neat cattle, sheep, or horses, or hogs, of their own proper estate, they shall have liberty to mow hay, and pasture them in the season, and to cut wood for their fires on any of the premises: and further it is agreed and concluded upon, that all the Indians orchards or apple-trees, in any of the leased premises, are excepted and reserved unto the several owners thereof, viz. the Indian owners thereof: and the said James Harris, Jonathan Harris, and Libæus Harris, do further covenant, promise, and oblige themselves, their heirs, executors, and administrators, to make and maintain in good and sufficient repair all fences on the premises, so as to secure the Indians improvements from spoil or damage in planting or sowing during said term; and they the said lessees, and each of them, are strictly forbidden and prohibited from selling cyder, or any strong drink, to the Indians, and are also obliged to watch all others, and make presentments of those that shall so do to the civil authority, that proper measures may be used to put a stop to such evil practices; and at the end or expiration of this present lease, the said James Harris, Jonathan Harris, and Libæus Harris, do oblige themselves, their heirs, executors, and administrators, to resign up the peaceable and quiet possession of all the leased premises, buildings, and fences, in good repair, unto the said Ben Uncas, his heirs or assigns, without demolishing any part thereof; and upon failure of any articles of the premises being performed by the lessees, the lessor shall re-enter and take possession of all the leased premises. In witness whereof the said parties have hereunto set their hands and seals interchangeably the day and year first above written.

Signed, sealed, and delivered
in presence of
Pelatiah Bliss,
Asa Harris.

Ben Uncas Δ his mark (L.S.)
Samuel Lynde. (L.S.)
John Richards. (L.S.)

Court adjourned till next Tuesday at four o'clock afternoon.

Tuesday,

Tuesday, August 9th 1743.

207

Present as above.

Court opened according to adjournment.

Court adjourned till Thursday next at three o'clock afternoon to the house of Captain Simon Lothrop in Norwich.

Thursday, August 11th 1743.

Present as above.

Court opened according to adjournment.

Court adjourned till next Saturday morning at ten o'clock.

Saturday, August 13th 1743.

Present as above.

Court opened.

Court adjourned till next Monday morning at nine o'clock.

Monday, August 15th 1743.

Present as above.

Court opened according to adjournment.

Court adjourned till three o'clock afternoon to the meeting-house in Norwich.

Post Meridiem.

Present as above.

Court opened according to adjournment.

Mr. Colden, Mr. Cortland, and Mr. Rodman, having concurred in opinion upon the merits of this cause, and drawn up the same in writing, it was read in court, as followeth :

208

M m

Having

Having carefully examined and reviewed all and singular the proofs, decrees, and sentences, and the whole process had and made by and before Joseph Dudley, Esq; and others, commissioners in the year 1705; and also considered all new allegations, matters, instruments, writings, and proofs, as well on the part of the governor and company of the colony of Connecticut, as on the part of the Moheagan Indians, which have been proposed, exhibited, and made to and before this court, relating to the merits and circumstances of this cause; we are of opinion as follows:

First, That the English on Connecticut river, on the 14th January 1638, entered into articles of government, and thereby agreed to submit themselves to a governor and magistrates, who were to be annually chosen.

2dly, That Mr. Hopkins was, in the year 1640, elected governor, and Mr. Haynes deputy governor, of said English subjects.

209 *3dly*, That after having carefully considered and inspected the proofs and exhibits relating to the writing exhibited in court, bearing date the 28th September 1640, purporting to be the deed of Uncas, alias Poquion, *Sachem* of the Moheagan Indians, to the governor and magistrates of the English, we are of opinion, that the said writing carries with it all the marks of the *antiquity* it is supposed to be of; the body of the said writing is agreed by all the commissioners (who inspected it) to be of the same hand-writing with the record of the year 1639, exhibited in court, and of a letter dated at London the first of May 1652, subscribed *Edward Hopkins*, and that the said Edward Hopkins was governor of the said English in the year 1640; the name *Thomas Stanton* on the said writing, as witness, is of the same hand-writing with an exhibit produced in court, which the descendants of Thomas Stanton (an Indian interpreter about the year 1640) believe to be the hand-writing of their said ancestor Thomas Stanton; that the marks of Uncas and Poxon, an Indian witness thereto, appear by the heavy bearing of the hand on the paper, and the irregularity and stiffness in the turnings, to be made by persons *not accustomed* to form regular shapes or figures, and are done in such manner as is not easy for any person to imitate; that the said writing is the *genuine act and deed of said Uncas*.

4tly, That Uncas and Wawequa, *Sachems* of the Moheagan country, by their deeds, bearing date the 15th of August 1659, did convey to Major John Mason all the lands then belonging to them.

5tly, That the indentment of Major Mason's surrender, entered at a general court held at Hartford the 14th of March 1660 (at which time said Mason was deputy-governor, and present in court) was to yield up and release to the said court, or governor and magistrates, *whatever right* he had to the Moheagan lands, on condition that the Indians should, at all times thereafter, be provided with a sufficient quantity of lands to plant on; and that the said Mason have lands out of the same sufficient to make a farm, which farm was afterwards, in the year 1664 (by the general court at his desire) granted to him.

6tly, That the confirmation of the said grant in 1659, by the deed of Uncas and his two sons, Oweneco and Attawanhood, to the said Major John Mason, bearing date

the 20th May 1661, enures to *confirm* whatever title the said governor and magistrates had by the deed in 1640, and by said Major Mafon's surrender.

7thly, That the said Major John Mafon did agree and join with others of the said English principally concerned and interested in the colony of Connecticut in a petition to the late king Charles the Second; and that the said king Charles, on the said petition or information, by his letters-patent under the great seal of England, bearing date at Westminster the 22d April in the 14th year of his reign, did incorporate and make them a body politic, by the name of *The governor and company of the English colony of Connecticut, in New England, in America*; and did grant to the said governor and company a large tract of land in America, including all the Moheagan lands or lands in controversy; *whereby all the said Moheagan lands were vested in the said governor and company in full and absolute property and right in law*, for the uses and purposes mentioned in the said letters-patent; and that the said Major John Mafon, by his petition, his accepting of, and acting in, the office of deputy-governor, by virtue of the said letters-patent, declares his acceptance of, and acquiescence in the said grant. 210

8thly, As the Sachems of the Moheagan Indians had no right remaining in them to any of the lands in controversy, besides an *equitable right* to a quantity of lands sufficient for their subsistence by planting, nothing could pass by the deed of Uncas, Oweneco, and Attawanhood, to Major Mafon, dated 14th December 1665.

9thly, That as no right to, or power over the lands, mentioned and described in a deed or writing subscribed by John Mafon, and dated the 9th day of May 1671, appears to be in the said John Mafon, *the said deed can have no effect*.

10thly, That it doth not appear to be the intention of the general court to affect, by their act 1680, any lands claimed or possessed by Uncas.

11thly, That the *resignation* by Uncas of all his lands and territories, by the treaty between him and the government of Connecticut, the 1st May 1681, may and does operate as a quit-claim or release of all claims and demands, in consideration of certain things afterwards to be done and performed by the said government; and that the said government might well accept of such quit-claim on the conditions agreed to by the said treaty, without any impeachment to their former right; more especially if it be considered that one of the parties to that treaty were Indians, a barbarous people, not then subject to the regular course of any law, easily misled by misapprehensions, and as easily provoked to violent mischievous actions; and that, considering the grants of these lands had possibly been obtained upon considerations of small value to the English, and that the lands then were of much greater value, and did daily grow more valuable, the said government of Connecticut might, *out of equitable and grateful considerations towards the said Indians*, covenant with them as is in the said treaty. 211

12thly, That, in pursuance of the said treaty in 1681, the government of Connecticut in the year 1683 ordered the boundaries of the Moheagan countries to be settled, which was accordingly done in the year following; and it appears, as to the lands

lands in controversy, that, in pursuance of the said treaty, reiterated purchases were made from the Moheagan Sachems of *all* the lands in controversy, excepting those which the said Indians still possess.

- 212 13thly, That by act of the general assembly the 13th of October 1692, the lands set apart by Major Mafon in 1671, and entered on record, and which were afterwards called *sequestered lands*, are confirmed to Oweneco and his son Mahomet, and are supposed to be more than sufficient for the subsistence of the Moheagan Indians, by the leave given to the said Sachem to sell of them, with the consent of Samuel Maion; and some part of the said sequestered lands were accordingly sold with the consent of the said Maion; but this act contains no confirmation or allowance of John Mafon's power to entail, or grant, by himself, as by his deed in 1671.

14thly, That if it be supposed that the Indians, since the king's letters patent in 1662, have a title, in law, to any part of the Moheagan country, they have conveyed the same to the king's subjects of the colony of Connecticut by sales and conveyances well made since that time.

15thly, That after Caesar, then Moheagan Sachem's sale and grant to Peter Maion, for the use of the town of New-London, by deed, dated 30th May 1715, if the government of Connecticut had not interposed, the Moheagan Indians would not have had one foot of land in the colony of Connecticut.

16thly, That the governor and company having procured and obtained from the town of New-London a surrender of the said deed of the year 1715 to Peter Maion; and afterwards, by act of their general court of the 11th May 1721, effectually and for ever secured a tract of between four and five thousand acres of land, situated on the Moheagan river, between New London old line and Norwich, for the use of the Moheagan Indians, and the said lands being reputed good and valuable lands, the same is sufficient for the tribe or nation of the Moheagans to plant on for their subsistence.

- 213 17thly, That the governor and company of the colony of Connecticut have treated the said Indians with much humanity at all times, and have at all times provided them with a sufficiency at least of lands to plant on; and that no act or thing appears, either *before* the said judgment of Joseph Dudley, Esq; or *since*, by which they, the said governor and company, had taken from the said Indians or from their Sachem any tract or tracts of lands to which the said Indians or their Sachem had *any right*, by reservation or otherwise, either in law or equity.

Lastly, That the said judgment of Joseph Dudley, Esq; and others, in the year 1705, in every part thereof, except so far as relates to the said tract of between four and five thousand acres of land *secured to* and settled on the Moheagan Indians by the said act of the 11th May 1721, ought to be reversed and declared *null and void*.

Whereupon Mr. Morris declared his opinion on several points, to the following effect, viz.

That

That as to the paper exhibited in court, bearing date September 28th 1640, purporting to be the deed of Uncas, alias Poquion, Sachem of the Mohegan Indians, to the governor and magistrates, he judged it to be in the hand-writing of *Edward Hopkins, Esq;* who in the year 1640 was governor of the English upon Connecticut river, and that it was witnessed by Thomas Stanton, who about that time was an Indian interpreter, and that he took it to be the genuine act and deed of Uncas the Sachem above-mentioned.

That, as far as he had been able to collect the intention of the parties to that deed, from the tenor of the writing itself, and from the subsequent transactions between Uncas and the English, and the declarations of the government appearing upon the public records and exhibited before the court, he was of opinion, that it was not the *intention* of the parties to that deed to pass the *absolute property* in the Mohegan lands from Uncas to the governor and magistrates, but only to vest them with the sole *right* to *purchase* these lands, and to prevent the Indians from selling them to *any other* people, either English or others; and that the *intention* of the parties, to this effect, was more fully expressed by the treaty concluded between Uncas and the colony on the 18th of May 1681. 214

That as to the surrender of Major Mason to the colony 1660, he was of opinion, that it was not the intention of Major Mason to convey by that surrender the *property* of the *soil*, vested in him by the deed from Uncas and Wawequa, of the 15th August 1639, but that the design of that transaction was only to give the English colony on Connecticut a *right to exercise their powers of government* over the lands conveyed to Mason as above.

That as he differed from the majority of the commissioners as to the *intent* of the deed in 1640, and of the surrender in 1660, he thought it his duty to declare it at that time, and reserved to himself the liberty of entering his opinion at large, upon the whole at the next meeting of the court after the adjournment from this place.

Mr. Horsmanden declared that his present sentiments upon this case differed wholly from the opinion of the three commissioners now declared.

As to the writing exhibited as the original deed, executed by Uncas to the governor and magistrates of the English colony on Connecticut river, dated the 28th of September 1640, he differed in opinion concerning that from all his brethren in one particular; for that, upon the most careful examination and consideration he had had of *the writing itself*, and a comparison of the several exhibits concerning it, he was convinced that the marks thereon put for Uncas and the Indian witness Poxon (or Foxon) *were not the marks by them respectively made*; and that the name Thomas Stanton, subscribed thereto as a witness upon *comparing* it with the exhibits for proving the similitude of hands, was not the proper *hand writing* of Thomas Stanton, formerly Indian interpreter, but that, upon the whole, he did believe that the writing was entirely a copy, *wrote by one and the same hand*, viz. Governor Hopkins. 215

And as concerning the *operation* of this writing, upon a supposition that it had been the original act and deed of Uncas, he did conclude, that from the *notoriety of transactions* between this government and the Sachems and the Moheagan Indians *subsequent* thereto, and apparent upon the *records of the colony*, it ought not to be esteemed of any force or effect at this day.

Further, as to the conveyance of all the Moheagan territories from the Indian Sachem to Major Mason in 1639, that though this deed was absolute, yet, from the *subsequent transactions* also, as appeared from *exhibits* before the court, he was convinced it was a *trust*, reposed by the Indians in Major Mason.

Further also, that from the nature of the transaction of the surrender in the year 1660, as minuted in the book, of the general assembly, he did conceive that the assembly, at that instant, were well acquainted with this deed, and the *design and intent of the execution of it*, that they understood it to be a *trust*; and that, by the surrender of the *jurisdiction* power over the land, nothing more could be *meant* by the parties to that transaction, than to *enlarge and extend* the dominion of the English colony, and thereby secure to them, in *preference* to any other settlement that should be attempted to be made, either by *other English or foreigners*, the *right of pre-emption* of such lands as were within the *said district or territory* so conveyed to Major Mason, as the Indians, 216 by the advice of the Major and the male heirs of his family (*on whom the trust was thereby intended to descend*) should from time to time thereafter be inclinable or willing to make sale of, and that therefore this surrender was not *intended or expected* by the parties to it, to pass or convey away the *soil* to the said colony.

Lastly, that these being *fundamental* points upon which a construction of many subsequent transactions during a series of *upwards of a hundred years* must of course very much depend, and he having in his observations upon the hearing of the cause, and upon a careful research *since*, found great reason to differ from other commissioners in opinion upon the merits; yet three of the commissioners having concurred in the same opinion concerning these principal fundamental points, considering the long attendance here, and the expence a further (itay sufficient to draw up an opinion deduced by induction from the many particular facts necessary to be observed upon in the course of the case before them) would necessarily occasion, he was therefore also willing that the court should be adjourned, and the parties dismissed from further attendance, till the time of their next meeting agreed upon; reserving also, as Mr. Morris had done, the liberty of entering his opinion at large upon the whole at the next meeting of this court after the adjournment from this place.

Ordered, That the judgment of the court be drawn up, pursuant to the opinion of the majority of the commissioners.

Court adjourned till nine o'clock to-morrow morning.

Tuesday,

Tuesday, 16th August 1743.

217

Present as above.

Court opened.

Pursuant to the order of yesterday the judgment was drawn up and laid before the court, and being signed by *all* the commissioners present (with the opinion of Mr. Colden, Mr. Rodman, and Mr. Cortland, delivered yesterday, prefixed) ordered to remain on file.

The judgment was as follows, viz.

Whereupon it is considered, determined, and decreed, by the court of our lord the king, that the definitive decree in writing by Joseph Dudley, Esq; Edward Palmes, Giles Silvester, Jahlcel Brenton, Nathaniel Byfield, James Avery, John Avery, John Morgan, and Thomas Leffingwell, made and published on the 24th of August, in the year of our Lord 1705, in favour of Oweneco Uncas then chief Sachem of the Moheagan Indians, and the Moheagan Indians, at a court of commissioners then holden at Stonington in said colony, by virtue of and in pursuance of letters patent from her late majesty queen Anne, bearing date at Westminster in the third year of her reign, and every part thereof, be *revoked, repealed, and made void*, excepting only as to so much of the said definitive decree as concerns *that part of the squatted lands* lying between New London old line and the south bounds of Norwich, containing between *four and five thousand acres*, now in the possession of the said Moheagan Indians, and secured to them by one act of assembly of the colony of Connecticut passed on the 11th day of May 1721; and the said definitive decree, and every part thereof (excepting as before excepted) is hereby *revoked, repealed, and declared null and void*; and as to said lands so secured to the said Indians by act of assembly as aforesaid, the said definitive decree is hereby affirmed and decreed to be good, valid, and effectual.

[218]

CADWALLADER COLDEN,
PHILIP CORTLAND,
DANIEL HORSMANDEN,
JOHN RODMAN,
ROBERT H. MORRIS.

George Hill acquainted the court that he was one of the tenants who had signed a power of attorney to Mr. James Brown to defend for him, and requested the court that an entry might be made in the minutes that he now revoked the said power.

Ordered, That the clerks, or either of them, do serve a copy of the judgment, as on file, on the governor and company of Connecticut or their public secretary for the time being,

being, with notice that there will be another meeting of the commissioners at Norwalk on Tuesday the 25th of October next.

Ordered, That the clerks, or either of them, do serve a copy of the said judgment in this cause on the Mohegan Indians, and on John or Samuel Mafon, together with a notice of the meeting of the commissioners at Norwalk, on Tuesday the 25th of October next.

Ordered, That the clerks do make out compleat copies of the whole proceedings in this cause, at the request and expence either of the governor and company of the colony of Connecticut, or of the Mohegan Indians, or Mr. John or Samuel Mafon, ready to be compared and signed by the commissioners at their next meeting.

- 219 Ordered, That a compleat copy of all the proceedings be prepared, to be laid before the commissioners at their next meeting on Tuesday the 25th day of October next, in order to be transmitted to the lords commissioners of trade and plantations.

Court adjourned to the 25th day of October to the house of Mr. Belden, tavern-keeper, at Norwalk.

We do certify that all the foregoing entries, from page number 1, are true copies of the *minutes of the proceedings* before his majesty's commissioners, from the 4th day of May last to this time.

Examined and compared by us,

CADWALLADER COLDEN,
PHILIP CORTLAND,
DANIEL HORSMANDEN.

THE GOVERNMENT'S EXHIBITS.

Articles of government made in 1638.

Forasmuch as it hath pleased the Almighty God, by the wise disposition of his divine Providence, to order and dispose of things, that we the inhabitants and residents of Windsor, Hartford, and Weathersfield, are now cohabiting and dwelling in and upon the river of Connecticut and the lands thereunto adjoining, and well knowing where a people are gathered together the word of God requires that, to maintain the peace and union of such a people, there should be an orderly and decent government established according to God, to order and dispose the affairs of the people at all seasons, as occasion should require; do therefore *associate* and *conjoin* ourselves to be as one public state and commonwealth; and do, for ourselves and our successors, and such as shall be adjoined to us at any time hereafter, enter into *combination* and *confederation* together to maintain and preserve the liberty and purity of the gospel of our Lord Jesus, which we now profess, as also the discipline of the churches, which according to the truth of said gospel is now practised amongst us; as also in our civil affairs to be guided and governed according to such laws, rules, orders, and decrees as shall be made, ordered, and decreed, as followeth.

1st, In

1st, It is ordered, sentenced, and decreed, That there shall be yearly two general assemblies or courts, the one on the second Thursday of April, the other the second Thursday of September following: the first shall be called the court of election, wherein shall be yearly chosen, from time to time, so many magistrates and other public officers as shall be found requisite, whereof one to be chosen governor for the year ensuing, and until another be chosen, and no other magistrate to be chosen for more than one year; provided always there be six chosen besides the governor, which being chosen and sworn according to an oath recorded for that purpose, shall *have power to administer justice according to the law here established, and for want thereof according to the rule of the word of God*; which choice shall be made by all that are admitted freemen and have taken the oath of fidelity, and do cohabit within this jurisdiction, having been admitted inhabitants by the major part of the town where they live, or the major part of such as shall be then present. 122

2^dy, It is ordered, sentenced, and decreed, That the election of the aforesaid magistrates shall be on this manner; every person present and qualified for choice shall bring in (to the persons deputed to receive them) one single paper, with the name of him written in it whom he desires to have governor, and he that hath the greatest number of papers shall be governor for that year: and the rest of the magistrates or public officers to be chosen in this manner; the secretary for the time being shall first read the names of all that are to be put to choice, and then shall severally nominate them distinctly, and every one that would have the person nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank, and every one that has more written papers than blanks shall be a magistrate for that year, which paper shall be received and told by one or more that shall be then chosen by the court, and sworn to be faithful therein; but in case there should not be six persons as aforesaid besides the governor out of those which are nominated, then he or they which have the most written papers shall be a magistrate or magistrates for the ensuing year, to make up the aforesaid number.

3^dly, It is ordered, sentenced, and decreed, That the secretary shall not nominate any person now, nor shall any person be chosen newly into the magistracy, which was not propounded in some general court before to be nominated the next election; and to that end it shall be lawful for each of the towns aforesaid, by their deputies, to nominate any two whom they conceive fit to be put to election, and the court may add to many more as they judge requisite. 222

4thly, It is ordered, sentenced, and decreed, That no person be chosen governor above once in two years, and that the governor be always a member of some approved congregation, and formerly of the magistracy within this jurisdiction, and all the magistrate freemen of this *commonwealth*; and that no magistrate or other public officer shall execute any part of his or their office before they are severally sworn, which shall be done in the face of the court, if they be present, and in case of absence, by some deputed for that purpose.

5thly, It is ordered, sentenced, and decreed, That to the aforesaid court of election the several towns shall send deputies, and when the elections are ended they may proceed in any publick service as at other courts; also the other general

courts in September shall be for *making of laws*, and any other publick occasion which concerns the good of the commonwealth.

6thly, It is ordered, sentenced, and decreed, That the governor shall, either by himself or by the secretary, send out summonses to the constables of every town, for the calling those two standing courts one month at least before their several times; and also, if the governor and greatest part of the magistrates see cause upon any special occasion, to call a general court, they may give order to the secretary so to do within fourteen days warning; and if urgent necessity so require, upon a shorter notice, giving sufficient ground for it to the deputies when they meet, or else be questioned for the same. And if the governor or major part of the magistrates shall either neglect or refuse to call the two general standing courts, or either or them, as also at other times when the occasion of the commonwealth require, the freemen thereof, or the major part of them shall petition to them so to do, if then it be either denied or neglected, the said freemen, or the major part of them shall have power to give order to the constables of the several towns to do the same, and so may meet together and choose to themselves a moderator, and may proceed to do any act of power which any other general courts may.

7thly, It is ordered, sentenced, and decreed, That after there are warrants given out for any of the said general courts, the constable or constables of each town shall forthwith give notice distinctly to the inhabitants of the same in some public assembly, or by going or sending from house to house, that at a place or time by him or them limited and set, they meet and assemble themselves together to elect and choose certain deputies to be at the general court then following, to agitate the affairs of the *commonwealth*, which said deputies shall be chosen by all that are admitted inhabitants in the several towns, and have taken the oath of fidelity; provided that none be chosen deputy for any general court which is not a freeman of this commonwealth: the aforesaid deputies shall be chosen in manner following; every person that is present, and qualified as before expressed, shall bring the names of such, written on several papers, as they desire to have chosen for that employment; and those three or four, more or less, being the number agreed on to be chosen for that time, that have the greatest number of papers written for them, shall be deputies for that court; whose names shall be endorsed on the back-side of the warrant, and returned into the court with the constable or constables hand unto the same.

8thly, It is ordered, sentenced, and decreed, That *Windsor, Hartford, and Weathersfield* shall have power, each town, to send four of their freemen, as their deputies, to every general court, and whatsoever other towns shall be hereafter added to this jurisdiction they shall send so many deputies as the court shall judge meet; a reasonable proportion to the number of freemen that are in said towns being to be attended therein; which deputies shall have the power of the whole town to give their votes, and allowance to all such *laws and orders* as may be for the public good, and unto which the said towns are to be bound.

9thly, It is ordered and decreed, That the deputies, thus chosen, shall have power and liberty to appoint a time and place of meeting together, before any general court,

to advise and consult of all such things as may concern the good of the public, as also to 224
examine their own elections, whether according to the order; and if they or the greatest part of them find any elections to be illegal, they may seclude such for the present from their meeting, and return the same and their reasons to the court; and if it prove true, the court may fine the party or parties so intruding upon the town, if they see cause, and give out a warrant to go to a new election in a legal way, either in part or in whole: also, the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment; and they may return said fines into the court (if it be refused to be paid) and the treasurer to take notice of it, and to extort or levy the same as he doth other fines.

10thly, It is ordered, sentenced, and decreed, That every general court (except such as, through neglect of the governor and the greatest part of the magistrates, the freemen themselves do call) shall consist of the governor, or some one chosen to moderate the court, and four other magistrates at least, with the major part of the deputies of the several towns legally chosen: and in case the freemen or the major part of them, through neglect or refusal of the governor and major part of the magistrates, shall call a court that shall consist of the major part of the freemen that are present, or their deputies, with a moderator chosen by them; in which said general court shall consist the *supreme power* of the *commonwealth*, and they only shall have power to make *laws* or repeal them, to grant leave to admit of freemen, dispose of lands, undisposed of, to several towns or persons, and also shall have power to call other courts, or magistrates, or any other person whatsoever, into question for any misdemeanor; and may, for just causes, displace or deal otherwise according to the nature of the offence; and also may deal in any other matter that concerns the good of this *commonwealth*; except election of magistrates, which shall be done by the whole body of the freemen: in which courts the governor or moderator shall have power to order the court to give liberty of speech, and silence unreasonable and disorderly speakings, to put all things to vote, and in case 225
the vote be equal to have a casting voice; but none of these courts shall be adjourned or dissolved without the consent of the major part of the court.

11thly, It is ordered, sentenced, and agreed, That when any general court upon the occasions of the *commonwealth* have agreed upon any sum or sums of money to be levied upon the several towns within this jurisdiction, that a committee be chosen to set out and appoint what shall be the proportion of every town to pay of the said levy, provided the committees be made up of an equal number out of each town.

January 14th 1638.

The eleven orders above said are voted.

A true copy of record.

Examined per George Wylls, secretary.

April

April 11th 1639.

At a general meeting of the freemen for the election of magistrates, according to the orders, John Haynes, Esq; is chosen governor for the year ensuing, and until a new be chosen; Mr. Roger Ludlow, deputy.

Mr. George Wyllys,
Mr. Edward Hopkins,
Mr. Thomas Wells,
Mr. John Webster,
Mr. Wm. Phelps,

} Were chosen to assist in the magistracy for the year ensuing, and all took the oath appointed for them.

A true copy from the records of the colony of Connecticut.

Examined per George Wyllys, secretary.

Copy of the act to lay out Colchester, October 13th 1698.

At a general court held at Hartford, October 13th 1698.

226 This court, upon the petition of divers of the inhabitants in the county of Hartford, grant liberty for a plantation at or near the place called Jeremiah's farm upon the road to New-London; and Captain Daniel Witherell, Captain John Hamlin, and Mr. William Pitkin, Captain John Chester, Mr. Richard Christophers, and Captain Samuel Forsdike, they or the major part of them, are by this court appointed to be a committee, to lay out a township there, beginning at the north bounds of Twenty-mile river, and to extend southward to a river called Deep-river, and to extend eastward from the bounds of Haddam seven miles.

A true copy of record.

Test. George Wyllys, secretary.

Copy of the act to enlarge Colchester, May 11th 1699.

At a general assembly holden at Hartford, May 11th 1699, for election, &c.

An act for the enlargement of the new plantation lately granted at or near Jeremiah's farm upon the road to New-London: Ordered and enacted, &c. That the north bounds of the said new plantation shall be, as formerly, at Twenty-mile river, and the south bounds to join to the north bounds of Lyme; and the west bounds to join to the east bounds of Middletown and the east bounds of Haddam; and the east and north-east bounds to run to the bounds of Lebanon and Norwich, as it shall be stated by the committee now chosen by the court to survey those lands. The bounds

bounds of the said new plantation to be so stated as not to prejudice former grants.

A true copy of record.

Examined per George Wyllys, secretary.

Oweneco's deed to Nathaniel Foot of all Colchester, June 9th 1699.


Know all men by these presents, that I Oweneco, of Moheagan, in his majesty's colony of Connecticut in New England, Sachem of said Moheagan, for and in consideration of the love and respect that I have and bear to my friend Nathaniel Foot of Weathersfield in the aforesaid colony, and for the promoting and encouragement of sundry persons who presented a petition to the general court in the colony of Connecticut in October last past for a tract of land for a township, in order to the settlement of the same with inhabitants; and also, the said Foot, in behalf of the other of the petitioners, did, in May last, obtain an enlargement and an addition of land to the first grant, as appears per record; and I being willing to shew my willingness to promote a plantation as aforesaid, according to the grants of said courts to the said petitioners, and for and in consideration of a sum of money to me in hand paid by the abovesaid Nathaniel Foot, at the time of the signing and sealing of these presents, have bargained, sold, given, granted, enfeofed, set over, and confirmed unto the said Nathaniel Foot and to his heirs, executors, and assigns, for the use abovesaid, he being one of the grantees, as appears by record, all the estate, right, title, that I the said Oweneco have, ought in time to come, might, or should have, all and every part and parcel of land lying and being within the township granted abovesaid, to have and to hold, to him the said Foot, and his heirs and assigns for ever; that is to say, every part or parcel of land that is not as yet granted by the general court to any particular person or persons, and to be distributed to those of the petitioners by said Foot, his heirs or assigns, according to his discretion, or at least so many of said petitioners as he, with the advice of the committee, or the major part of the committee, chosen and appointed by the general court in May last past for laying out said township, and to assist in that affair, except fifty acres the said Foot may reserve for himself, his heirs or assigns for ever, where he shall see cause to take the same; all the residue to be divided to the rest of the proprietors, with him the said Foot, according to the rules agreed on by said petitioners; and they and their heirs shall and may, for ever hereafter, quietly and peaceably enjoy all and every part of said land, and parcel thereof, with all the profits, privileges, or appurtenances thereon, or any ways appertaining to the same, without the let, hindrance, molestation, or disturbance from me, my heirs or successors, warranting that I have good right to sell, alienate, set over, and confirm said lands, as I have here done: and will for ever warrant and defend the said Foot, with the rest of those that shall inhabit thereon, in the quiet possession of said lands; and do hereby give him, said Foot, full power to record the same to himself and heirs as abovesaid in the public records, that it may be a good, sure, indefeasible estate of inheritance, to him and them, their heirs and assigns, for evermore; and in witness hereunto I have set my hand and

P p

seal.

feal, anno Dom. one thousand six hundred and ninety and nine, in the prefence of these witneſſes.

June the 6th 1699.

Oweneco's  mark. (L. S.)

Witneſſes

John Chandler,
Thomas Bennet.

New-London, June 9th 1699.

Oweneco, the ſubſcriber and grantor of the lands within mentioned, made his perſonal appearance, and acknowledged the within inſtrument to be his free and voluntary act and deed the day of ſigning.

Daniel Wetherell, aſſiſtant.

Recorded in the book of records for the county of New-London this 5th of June 1702.

George Deniſon, county clerk.


Copy of Oweneco's deed to Daniel Maſon, December 9th 1686.

C O N F I R M A T I O N .

229 Be it known to all perſons whom it may concern, that I Oweneco, Sachem of Moheagan, ſon of Uncas, do give, grant, alienate, and paſs over my whole title and intereſt of a certain *tract* of land lying and ſituate at or near the ſouth-weſt end of Norwich bounds, it being *formerly given unto Major John Maſon by my father Uncas*; it is partly abutting upon a great pond called Maſſapeage: I ſay that I do by theſe preſents *confirm* the aboveſaid tract of land, with what meadows are contained within the bounds of ſaid land, unto *Daniel Maſon* of Stonington, *ſon of Major Maſon*, to him, his heirs and aſſigns for ever, as bounded by Lieutenant Tracy and Lieutenant Leſſingwell of Norwich, and by my father Uncas his order: the boundaries of the ſaid tract of land beginning at a white oak tree marked on four ſides, ſtanding on the weſt end of the great pond, from thence running weſt four and twenty ſcore rods, to a white oak tree marked on four ſides, ſtanding ſome few rods to ſouthward of a ſmall hill of rocks, from thence running north to a maple tree marked on four ſides, ſtanding in a place near a ſmall hollow where Matchamoodus old path croſſeth the deep brook, from thence running eaſt to a white oak tree marked on four ſides, a little weſtward of Norwich line from thence, running ſouth unto two maple trees growing out of one root, which tree ſtandeth by the brook which runneth out of the pond, and ſo running by ſaid brook to the pond, then a ſtrait line to the firſt-mentioned corner: I ſay that all the land and meadows *were given by my father Uncas*, and are by theſe preſents *confirmed by me*, unto the ſaid Daniel Maſon, his heirs and aſſigns for ever, from me, my heirs and aſſigns, peaceably and quietly to poſſeſs and enjoy, without hindrance or moleſtation

tion from me or any by my means. In witness whereof I have hereunto set my hand and seal this 9th day of December in the year 1686.

In presence of us,
Samuel Mafon,
Judith Mafon.

The mark  of Oweneco. (L. S.)

Oweneco acknowledged this above-written deed before me, and with my consent, it being the tract of land by my father *reserved*, December the 9th 1686.

Samuel Mafon, assist.

Entered the 23d day of February 1718-9,

Per R. Bushnell, town-clerk.

230

A true copy, extracted from Norwich third book of deeds, fol. 96.

Examined per Isaac Huntingdon, town-clerk.

Copy of record of election, April the 6th 1640.

231

The court of election.

Mr. Hopkins, Esq; governor.

Mr. Haynes, deputy.

Mr. Wyllys,

Mr. Ludlow,

Mr. Wells,

Mr. Phelps,

Mr. Webster,

} These elected magistrates.

A true copy from the records of the colony of Connecticut.

Examined per George Wyllys, secretary.

A copy of record of Uncas's deed, September 28th 1640.

This writing witnesseth, that I Uncas, alias Poquion, Sachem of the Moheagans, have given and freely granted unto the governor and magistrates of the English upon Connecticut river, *all the lands* that doth belong, or of right ought to belong to me, by what name soever it be called, whether Moheagan, Yonitack, Aquapanfuke, Pockeetemnocke, Wypewocke, Massapeage, or any other, which they may for ever hereafter dispose of *as their own*, either by settling plantations of the English there, or otherwise as shall seem good to them, reserving only for my own use that ground which at present is planted, and in that kind improved by me: and I do hereby promise and engage myself not to suffer, so far as I have power, *any English, or any other*, to sit down and plant within any of those limits which before this grant did belong to me, without the consent and approbation of the said magistrates or governors

vernors at Connecticut aforesaid: and this I do, upon mature consideration and good advice, freely, and without any constraint. In witness whereof I hereunto put my hand.

In presence of
Thomas Stanton,
The mark + of
Poxon, alias Foxon.

The mark Δ of Poquion, alias Uncas.

232 The said English did also freely give to the said Uncas $5\frac{1}{2}$ yards trucking cloth, with stockings and other things, as *a gratuity*.

A true copy of record,

Examined per George Wyllys, secretary.

From an original deed from Uncas, dated September 28th 1640.

This writing witnesseth, that I Uncas, alias Poquion, Sachem of the Moheagans, have given and freely granted unto the governor or magistrates of the English upon Connecticut river, all the land that doth belong, or of right ought to belong to me, by what name soever it be called, whether Moheagan, Yomtack, Aquapansuke, Pocketemnocke, Wype-woke, Massapeage, or any other, which they may for ever hereafter dispose of as their own, either by settling plantations of the English there, or otherwise, as shall seem good to them, reserving only for my own use that ground which at present is planted, and in that kind improved by me: and I do hereby promise and engage myself not to suffer, so far as I have power, any English, or any other, to set down or plant within any of those limits which before this grant did belong to me, without the consent and approbation of the said magistrates or governor at Connecticut aforesaid: and this I do, upon mature consideration, and good advice, freely, and without any constraint. In witness whereof I have hereunto put my hand.

In presence of
Thomas Stanton,
The mark + of
Poxon, alias Foxon.

The mark Δ of Poquion, alias Uncas.

The said English did also *freely* give to the said Uncas $5\frac{1}{2}$ yards trucking cloth, with stockings and other things, as *a gratuity*.

A copy from Stonington records.

Oweneco's deed to Samuel Mason, June 9th 1684.

These are to signify unto all whom it may concern, that I Oweneco have, some years since, declared myself well contented in what my father Uncas, for some years past, made over to the authority then in being, viz. Mr. John Haynes and William

Hopkins, Esq; and other gentlemen then in authority, of all his right unto and of the Pequot country, for the use and benefit of the colony of Connecticut, &c. And my father being deceased, I the said Oweneco, for and in consideration of long continued friendship and kindneses of the gentlemen of the aforesaid colony me moving thereunto, see good reason to own and acknowledge, ratify and confirm my father's act as aforesaid. And I have also freely given unto Captain *Samuel Mason* 233 all my *native right* unto that part of the *Pequot country*, within the bounds of *Stonington*, in the addition, from *Ayalupuk*, westerly, to the line of said *Stonington*, to confer as in his wisdom he shall see meet for the general benefit of the whole town. — But whereas I am informed, that Captain *Denison* hath a deed from me of some lands granted unto him, as he said, by *Stonington*, and I understanding the same to be within the bounds granted by the general court of *Hartford*, and I knowing that I had before given and confirmed unto my friend aforesaid, under my hand, all my right as aforesaid, but being importuned by Captain *Denison*, and I thinking to obtain a coat thereby, signed his deed; but being informed, that his deed saith, that I well knew *Stonington* corner free, and the consideration mentioned were for great kindneses, which I never received, nor to this day never knew of, this above written I desire may be made entry in the county; and I have desired Mr. Benjamin Brewster and Mr. John Richards to be witnesses for me.

June the 9th 1684.

Oweneco  his mark.

This entered November the 11th 1692,

Per me John Stanton, recorder.

A true copy, taken out of *Stonington* records.

Test. Joseph Palmer, town-clerk.

Sir Henry Ashurst's petition to queen Anne.

To the quēn's most excellent majesty, the humble petition and appeal of Sir Henry Ashurst, Baronet, for and on behalf of the governor and company of your majesty's colony of Connecticut, and on behalf of great numbers of freeholders and planters in said colony,

Sheweth,

That your petitioners and their ancestors did formerly, with great difficulty, and by their only endeavours, expences, and charge, acquire, *by conquest*, the plantation of Connecticut, within the territories called New England, whereby a large addition was made to the dominions of the crown of England: which *conquest* was made of and upon the *Pequot* Sachem, then the principal Indian prince in those countries, who, a little before your petitioners conquests of him, had subdued and *conquered* 234 *Unca* Sachem, a subordinate tributary chief under him, who had then lately *revolted and rebelled*.

That the said Unca Sachem, being so subdued, conquered, and expelled his government and country, he joined himself in person with your petitioners in the wars against the said Pequot Sachem, and served them in no greater station than a pilot to steer their vessels upon the *waters* in those parts.

That your petitioners, by *such* conquest, became absolute owners of the lands and plantations of Connecticut: howbeit, the said Unca Sachem, having so joined in the wars against the Pequot Sachem, *intreated* to be *permitted* to possess some part of the said conquered lands, under such terms as your petitioners thought fit; and thereupon your petitioners, to obviate all further pretences, took an instrument in writing, whereby said Unca Sachem did freely give and grant to your petitioners and their successors *all the lands that ever had belonged to him, by what name soever called, whether Mobeagan, Massapeage, or otherwise, for ever; reserving only for his own use that ground which at that present time was planted and improved by him;* which your petitioners aver was at that time very inconsiderable, he having but very few men, and not enough to make a hunt. And moreover, the said word *reservation* ought not to be deemed a reserving of any *rights* that he had, but the *permission* of your petitioners, the *conquerors*, to *suffer* him to possess the same.

That afterwards a further agreement was made between your petitioners and the said Unca, whereby the said Unca, for himself and his heirs, resigned up to your petitioners *all* his lands, obliging himself to make no disposal of them without your petitioners grant and allowance first had and obtained; and declaring, that your petitioners might dispose thereof in plantations, villages, or farms, as your petitioners should order, the said Unca *receiving reasonable satisfaction for his propriety therein;* and that your petitioners have been so far from depriving the said Unca of his lands, 235 that they have cause to believe, that your majesty had never been troubled with a complaint in his name, if the government of Connecticut would have consented that others, by fraudulent bargains, should have had those reserved lands, your petitioners having been careful to preserve the said Unca and his heirs in the possession of the said lands *reserved* to them.

That your petitioners are advised, that the freehold and inheritance of Connecticut aforesaid was absolutely vested in them, either by the said *conquest*, or *grant*, or *resignation* aforesaid, and that they had power to plant and dispose thereof, so always that they made a *reasonable satisfaction* to the said Unca for such parts as your petitioners *permitted* him to possess. — That to confirm your petitioners title, your majesty's royal uncle, king Charles the Second, by his letters *patents*, under the great seal of England, erected your petitioners into a corporation, and granted and confirmed to them and their successors all the said country or province called Connecticut, and all manner of judicatories for the trial of all causes therein.

That your petitioners, depending upon such their title to the freehold and inheritance of the said country and province of Connecticut, they having built upon, planted, and greatly improved the said country and plantation, and particularly the tracts of land following (to wit) the *tract of ground* between New London and Norwich, containing *eight* miles in length and *four* in breadth; and another *small tract* upon the north bounds of Lyme, containing *nine* miles in length and *two* in breadth, having

having the *westerly* end thereof on Connecticut river; and also *another* large tract of ground lying between the bounds of Norwich, Lyme, Lebanon, Haddam, and Metabasset; and also *another* large tract of ground called *Maffapeage*: of all which tracts of ground your petitioners, the governor and company, have had the *general possession ever since the said conquest*, being now near seventy years since; and your petitioners, the *freeholders and planters*, have had the *special possession* thereof, some of them for thirty, others forty, and others fifty years last past.

236

That Joseph Dudley, Esq; — Hallam, Edward Palmes, James Avery, and John Avery, John Morgan, and Thomas Leffingwell, who (as your petitioners are informed, and have cause to believe, most of them, in their own and others names, especially in the name of one John Mafon, whom *Dudley* appointed his trustee, and guardian to Oweneco Sachem, son of the said Unca Sachem, particular grants of several parts of the said particular tracts of lands in Connecticut aforesaid) do now endeavour to set up titles to *themselves*, under the said inconsiderable Indians, *exempt* from the government of Connecticut aforesaid, so as not to be subject to pay taxes towards the war, and to be exempted from the sheriffs and other legal officers; to which end they have taken part with the said Indians against your petitioners, and have made divers groundless complaints to your majesty on the said Indians behalf against your petitioners, as if the Mohegan Indians were formerly proprietors of *all* Connecticut, and as if your petitioners title thereto was derived from the permission of the Indians, and by *their* grant, who, as is pretended, only *permitted* your petitioners to plant and settle there; and as if the said Indians had *reserved* to themselves the said several tracts of land, and had *entered* into and *cultivated* a firm friendship and league with your majesty's subjects, and had always assisted them when attacked by their enemies; and as if, in several treaties, it had been agreed that the Indians should be protected in the possession of the said tracts of land, and that your petitioners, by act of assembly, had taken the said tracts of land from the Indians, and had dispossessed them thereof; and as if the Indians had made application to the government of Connecticut, but, instead of redress, had met with ill usage, to their great discouragement.

That your petitioners are informed, that the said Dudley and Hallam, by these untrue suggestions, obtained from your majesty, *by surprise*, a commission under the great seal of England, bearing date the 19th day of July in the third year of your reign, directed to the said Dudley, Palmes, the two Avery's, Morgan, Leffingwell, and five others, most of whom were of the said Dudley's or Hallam's *denomination*, and under the said Dudley's influence; by which commission they procured to themselves from your majesty the powers following (to wit) to examine and inquire into the pretended matters of the said complaints, and all injuries and violences offered and done to the Mohegan Indians, and to determine thereupon; to repair into Connecticut, and, having summoned your petitioners and the chief of those Indians, to inquire and take examinations upon oath, touching the said matters, or any injury or violence offered to the said Indians by the general court or assembly, or the governor of Connecticut, or any other person, and to determine according to justice and equity, and restore the Indians to their lands, if they were unjustly dispossessed, or to take care that they were continued therein: and the said Dudley and his accomplices procured your majesty's letter, directed to your petitioners, commanding them

237

to

to pay all due obedience to the said commissioners; and that if it should be found that the said Indians had been deprived of their lands, then your petitioners should cause them to be put into possession thereof, notwithstanding the said act of assembly.

238 That your petitioners *readily appeared* in the said commissioners court; but being advised, that that part of the said commission, whereby the said commissioners and judges were impowered judicially to determine in a summary way your petitioners *title* to their freehold and inheritance, and to evict them thereout, and to adjudge the possession thereof to the Indians, if they thought fit, just, and equitable, was an *illegal power*, obtained by surprize from your majesty, they, your petitioners, did *offer to submit* to, and defend themselves in, the said commission-court, so far as that a true *inquisition* should be made of the matters of fact in difference, to the intent your majesty might have a true understanding thereof; but your petitioners *desired* to be excused from *trying their titles* of their said lands and freehold in the said commission-court.

That the said Dudley and his fellow-commissioners, being judges in the said commission-court, rejected such your petitioners defence with contempt, paying great honour to said Indian Oweneco, by placing him on his the said Dudley's right-hand, and proceeded in the said commission-court, and made a decree or sentence therein; and your petitioners received a letter from the said commissioners, reciting your majesty's said letter, and acquainting them that it was considered and determined by the said commission-court, that the said Oweneco Unca and the Moheagan Indians should be immediately put into possession of the said several tracts of land above particularly specified, and should recover their just cost and charges; and the said commissioners, by their said letter, intimated that your petitioners ought strictly to obey your majesty's commands, by putting the said Indians into *possession* accordingly.

That your petitioners are informed that some attempts are made to prevail with your majesty to confirm the said decree; that your petitioners humbly insist that the said decree is *unjust* and *illegal*, and humbly hope that the same shall not be confirmed, but reverled and set aside.

239 For that the said commissioners in the said commission-court, being interested as aforesaid, were in this case *parties, accusers, and judges*, and assumed to themselves *jurisdiction* to try in a summary way your petitioners *titles* of their lands, and to *evict*, dispossess, and disseise them of their freeholds, properties, and ancient possessions, without any *legal* process, or so much as the *form* of a trial, which tends to the destruction of all their rights, and is directly contrary (as your petitioners are advised) to divers acts of parliament in that behalf made and provided.

For that it does *not appear* by said decree or proceedings, that the said Indians were *dispossessed* by your petitioners; neither did the act of assembly, in the said commission mentioned, take any lands from the Indians, as by that untrue suggestion was pretended.

For that the complaints on behalf of the Indians were at first *groundless*, and were, *under their names*, began and carried on by some evil persons, under specious pretences, for their private advantage, whereby your majesty's name and authority is made use of to countenance and carry on private designs.

Your petitioners therefore most humbly *appeal* from the said decree of the said commission-court, and pray your majesty that the matter may be heard *before your majesty* in council; and humbly pray that, for the prevention of the like injuries, your majesty would shew some exemplary discountenance to the said Mr. Dudley and his accomplices, at whose instance your majesty was induced, *by surprize*, to grant the said commission with such *high* powers, in *subversion* of your petitioners *rights*, and contrary to your majesty's gracious intentions towards your faithful and loyal subjects of Connecticut, whose lives and fortunes are always devoted to your majesty's true service.

And your petitioners shall ever pray, &c.

HEN. ASHURST.

And your petitioners further most humbly represent to your majesty, that they are informed that Colonel Dudley hath exhibited to the council of trade several complaints against the colony of Connecticut, which their lordships have transmitted to your majesty in council; and whenever your majesty shall think fit to require it, your petitioners, in behalf of the colony, humbly hope to make it appear before your majesty, that the said complaints are *groundless* and *untrue*, whereby your majesty's name and authority is abused, to serve some dark designs of his own, and to create an ill opinion in your majesty of your loyal subjects or that colony.

240

All which is most humbly submitted to your majesty's great wisdom.

HEN. ASHURST.
JOHN POVEY.

Eleazar Kimberly, secretary, his copy of the deed of Uncas, dated
September 28th 1640.

This writing witnesseth, that I Uncas, alias Poquion, Sachem of the Moheagans, have given and freely granted unto the governor or magistrates of the English upon Connecticut river all the lands that doth belong, or of right ought to belong to me, by what name soever it be called, whether Moheagan, Yomtack, Aquapanfuke, Peckee-temnock, Wypewoke, Maffipeage, or any other, which they may for ever hereafter dispose of as their own, either by settling plantations of the English there, or otherwise as shall seem good to them, reserving only for my own use that ground which at present is planted, and in that kind improved by me: and I do hereby promise and engage myself not to suffer, so far as I have power, any English, or any other, to sit down or plant within any of those limits which before this grant did belong to me, without the consent and approbation of said magistrates or governor at Connecti-

R r

cut:

cut-aforesaid: and this I do, upon mature consideration and good advice, freely, and without any constraint. In witness whereof I hereunto put my hand.

In presence of
Thomas Stanton,
The mark + of
Poxon, alias Foxon.

The mark Δ of Poquion, alias Uncas.

241 The said English did also *freely give* to the said Uncas 5 $\frac{1}{2}$ yards trucking cloth, with stockings and other things, as a *gratuity*.

The above written is a true copy of the original on file.

Test. Eleazar Kimberly, secretary.

The testimony of George Wyllys.

George Wyllys, secretary of the colony of Connecticut, doth testify and say, that he is well acquainted with the writing on the public records of said colony, reputed to be in the hand-writing of Eleazar Kimberly, secretary of said colony; and verily believes that the attestation to the above instrument is the hand-writing of the said Eleazar Kimberly, and that, as near as the deponent *can remember*, this said Kimberly was *out of the office of secretary*, as aforesaid, about the year 1708 or 9, and has not since been in the same.

Norwich, July 19th 1743.

George Wyllys.

Further testimony of George Wyllys.

George Wyllys of Hartford, in the colony of Connecticut, in New England, *aged thirty years*, doth testify and say, that (near about the time that *Captain John Mason*, late deceased, *went* to Great Britain) he was employed (being secretary of said colony) to search in his office for papers relating to the transactions of the government of Connecticut with the Moheagan Indians, and, in a file of ancient writings, *there found* the same old instrument or deed from Uncas, Sachem of the Moheagans, to the governor and magistrates of the English upon Connecticut, dated September 28th 1640, which he now presents to this honoured court.

242 And he further says, that he hath in his custody the original records of the publick acts of the government of Connecticut in the year 1639 (appearing to be in one ancient hand-writing) wherein it is recorded, that at the election in April 1639, Mr. Edward Hopkins was chosen *secretary* for the year ensuing; which records for the year 1639 the deponent always understood (both by his father, who was secretary of said colony for many years before him, and his own observation) to be the hand-writing of Edward Hopkins, Esq; of Hartford, aforesaid, for sundry years, in the infancy of the colony of Connecticut, governor thereof, and verily believes the same so to be.

And

And further the deponent says, that he hath very carefully viewed the said deed and the said records in 1639, and compared them one with another, as also with other writings in his custody, which he has ever taken and accepted to be the writing of *Governor Hopkins aforesaid*; and is well satisfied, and verily believes, that the body of the above-mentioned deed is the real hand-writing of the said Edward Hopkins, Esq; and that he was the very same person in the records of the government of Connecticut mentioned to be governor of the same in the year 1640, and that the said deed was wrote by him at the time of the date thereof: and further the deponent says, he has heard and believes, that the said Edward Hopkins, Esq; about the year 1652, went home to England, and returned not again to this country. And further faith not.

George Wylls.

At the court of commissioners, sworn in court July 19th 1743.

Test. Daniel Edwards, clerk of the court of commissioners.
Daniel Huntington, clerk.

Cross-examination.

And the within deponent, upon cross-examination, further faith, that he caused the writing within mentioned, dated September 28th 1640, to be put on record *in or about the year 1736*, and that he doth not know that it was ever entered on record before; and that it has been his *general practice* to note, upon deeds by him recorded, *the time of their being entered*; and that he does not know that he *ever* omitted so to note upon any one before; *neither can he remember any reason* wherefore such note *was not put upon this writing*; nor did he remember but that said writing had been so noted, until he observed it some time since it was entered.

George Wylls.

Copy of the election in 1660.

243

At court of election held at Hartford, May 17th 1660, magistrates elected.

Jo. Winthrop, Esq; governor,
Major Jo. Mafon, deputy,
Mr. Henry Clark,
Mr. Wylls,
Mr. Phelps,
Mr. Allyn,
Mr. Treat,
Mr. Goulett.

Long Island.
Captain Thomas Tapping,
Mr. Ogden,
Thomas Baker,
Robert Bond,
Daniel Clark, secretary.
John Talcot, treasurer.

A true copy of record.

Test, George Wylls, secretary.

Copy

Copy of record, March 14th 1660.

Hartford sessions-general, March 14th 1660:

Magistrates.

Jo. Winthrop, Esq; governor,
Jo. Mason, Esq; deputy-governor,
Mr. Clark,
Mr. Wyllys,

Mr. Allyn,
Mr. Treat.
Daniel Clark, secretary.

A true copy of record.




Test. George Wyllys, secretary.

244

Uncas, Oweneco, Attawanhood, their deed to Major Mason,
May 20th 1661.

These may certify all people whom it may concern, that whereas I Uncas, with my brother Wawequa, did, on the 15th day of August, in the year 1659, make over unto Major John Mason, by a deed of sale, all our lands and territories within our whole claim; by virtue of said instrument the abovesaid Mason *did enter upon and improve those lands* which were by us the abovesaid Uncas and Wawequa sold to him the abovesaid Major Mason: and now the said Major being in the possession of all those lands, sold as abovesaid; now know ye, that I the said Uncas (my brother Wawequa being dead) do, with my two sons, Oweneco and Attawanhood, confirm the deed of sale above-mentioned unto him the said Mason, to him, his heirs and assigns for ever, from us, our heirs and assigns, it being with the consent of *all our people* of Moheagan, them their heirs for ever: and we the said Uncas, Oweneco, and Attawanhood, do promise and covenant, to and with the said Major Mason, that we nor our heirs will never after trouble or molest the said Major Mason, his heirs nor assigns, in the peaceable possession and quiet enjoyment of the above-mentioned land, or any part thereof, either by pretence of selling any part thereof, or by any other way or means whatsoever. In witness and confirmation whereof we the said Uncas, Oweneco, and Attawanhood have hereunto set our hands or marks this the 20th of May in the year 1661.

In the presence of us,
Thomas Leffingwell,
Benjamin Brewster.

Uncas  his mark.
Oweneco  his mark.
Attawanhood's  mark.

This instrument was received February 1714, and recorded,

Per John Fitch, clerk.

A true copy.

Test. John Fitch, clerk.

The

The charter granted by his majesty king Charles the Second, to the governor and company of the English colony of Connecticut in New England in America. 245

Charles the Second, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. to all to whom these presents shall come, greeting:

Whereas by the several navigations, discoveries, and successful plantations of divers of our loving subjects of this our realm of England, several lands, islands, places, colonies, and plantations have been obtained and settled in that part of the continent of America called New England, and thereby the trade and commerce there hath been of late years much increased.

And whereas we have been informed by the humble petition of our trusty and well-beloved John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Woolcott, John Talcot, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming, and Matthew Camfield, being persons principally interested in our colony or plantation of Connecticut in New England, that the same colony, or the greatest part thereof, was *purchased* and obtained for *great and valuable considerations*, and some other part thereof gained by *conquest* and with much difficulty, and at the only endeavours, expence, and charges of them and their associates, and those under whom they claim, subdued and improved, and thereby become a considerable enlargement and addition of our dominions and interest there.

Now know ye, that in consideration thereof, and in regard the said colony is remote from other the English plantations in the places aforesaid, and to the end the affairs and business which shall from time to time happen or arise concerning the same may be duly ordered and managed, we have thought fit, and at the humble petition of the persons aforesaid, and are graciously pleased to create and make them a body politick and corporate, with the powers and privileges herein after-mentioned.

And accordingly our will and pleasure is, and of our especial grace, certain know-The Corporation constituted.
ledge, and mere motion, we have ordained, constituted, and declared, and by these presents for us, our heirs and successors, do ordain, constitute, and declare, that they the said John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Woolcott, John Talcot, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming, and Matthew Camfield, and all such others as now are or hereafter shall be admitted and made free of the company and society of our colony of Connecticut in America, shall from time to time and for ever hereafter be one body corporate and politick in fact and name, by the name
S f
of

Name of the corporation. Their ability to plead and defend, &c.

of Governor and Company of the English Colony of Connecticut in New England in America, and that by the same name they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law to plead and be impleaded, to answer and to be answered unto, defend and to be defended in all and singular suits, causes, quarrels, matters, actions, and things of what kind or nature forever, and also to have, take, possess, acquire, and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other our liege people of this our realm of England, or any other corporation or body politic within the same, may lawfully do.

And further, that the said governor and company and their successors shall and may for ever hereafter have a common seal to serve and use for all causes, matters, things, and affairs whatsoever of them and their successors, and the same seal to alter, change, break, and make new from time to time, at their wills and pleasures, as they shall think fit.

And further we will and ordain, and by these presents for us, our heirs and successors, do declare and appoint, that for the better ordering and managing of the affairs and business of the said company and their successors, there shall be *one governor, one deputy-governor, and twelve assistants*, to be from time to time constituted, elected, and chosen out of the freemen of the said company for the time being, in such manner and form as hereafter in these presents is expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the land and hereditaments herein after-mentioned to be granted, and the plantation thereof, and the government of the people thereof.

First governor and assistants.

And for the better execution of our royal pleasure herein, we do for us, our heirs and successors, assign, name, constitute, and appoint the afore-said John Winthrop to be the first and present governor of the said company, and the said John Mason to be the deputy-governor, and the said Samuel Wyllys, Matthew Allyn, Nathan Gold, Henry Clarke, Richard Treat, John Ogden, John Tapping, John Talcot, Thomas Wells, Henry Woolcott, Richard Lord, and Daniel Clarke, to be the twelve present assistants of the said company, to continue in the said several offices respectively until the second Thursday which will be in the month of October now next coming.

Two general assemblies in a year; in May and October.

246

And further we will, and by these presents for us, our heirs and successors, do ordain and grant, that the governor of the said company for the time being, or in his absence by occasion of sickness, or otherwise by his leave or permission, the deputy-governor for the time being, shall and may from time to time upon all occasions give order for the assembling of the said company, and calling them together to consult and advise of the business and affairs of the said company; and that for ever hereafter twice in every year, *that is to say* on every second Thursday in October, and on every second Thursday in May, or oftener in case it shall be requisite, the assistants and freemen of the said company, or such of them (not exceeding two persons from each place, town, or city) who shall be from time to time thereunto elected or deputed by the major part of the freemen of the respective towns, cities, and places, for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult and advise in and about the affairs and business of the

said

said company; and that the governor, or in his absence the deputy-governor of the said company for the time being, and such of the assistants and freemen of the said company as shall be so elected or deputed and be present at such meeting or assembly, or the greatest number of them, whereof the governor or deputy-governor and six of the assistants, at least to be seven, shall be called the General Assembly, and shall have full power and authority to alter and change their days and times of meeting or general assemblies for electing the governor, deputy-governor, and assistants, or other officers, or any other courts, assemblies, or meetings, and to choose, nominate, and appoint such and so many other persons as they shall think fit, and shall be willing to accept the same to be free of the said company and body politick, and them into the same to admit; and to elect and constitute such officers as they shall think fit and requisite for the ordering, managing, and disposing of the affairs of the said governor and company and their successors.

Power to
change their
days of
meeting.

And we do hereby, for us, our heirs and successors, establish and ordain, that once in the year for ever hereafter, namely, the said second Thursday in May, the governor, deputy-governor, and assistants of the said company, and other officers of the said company, or such of them as the said general assembly shall think fit, shall be in the said general court and assembly to be held from that day or time newly chosen for the year ensuing by such greater part of the said company for the time being then and there present; and if the governor, deputy-governor, and assistants by these presents appointed, or such as hereafter be newly chosen into their rooms, or any of them, or any other the officers to be appointed for the said company, shall die or be removed from his or their several offices or places before the said general day of election, whom we do hereby declare for any misdemeanor or default to be removable by the governor, assistants, and company, or such greater part of them in any of the said public courts to be assembled as is aforesaid, that then and in every such case it shall and may be lawful to and for the governor, deputy-governor, and assistants, and company aforesaid, or such greater part of them so to be assembled as is aforesaid in any of their assemblies, to proceed to a new election of one or more of their company in the room or place, rooms or places of such governor, deputy-governor, assistant, or other officer or officers so dying or removed, according to their discretions; and immediately upon and after such election or elections made of such governor, deputy-governor, assistant or assistants, or any other officer of the said company, in manner and form aforesaid, the authority, office, and power before given to the former governor, deputy-governor, or other officer and officers so removed, in whose stead and place new one shall be chosen, shall, as to him and them and every of them respectively, and determine.

To appoint
freemen,
and to con-
stitute offi-
cers.

And to
choose new
officers, in
case of death
or removal.

Provided also, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy-governor, and assistants of the said company, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before they undertake the execution of their said offices and places respectively, take their several and respective oaths or oaths for the due and faithful performance of their duties in their several offices and places, before such person or persons as are by these presents hereafter appointed to take and receive the same; that is to say, the said John Winthrop, who is herein before nominated and

That the
said governor,
deputy-governor,
and assistants
shall take the
oaths of office
before they
begin to execute
their offices.

a p. 112

Governor,
 &c. to be
 sworn.

appointed the present governor of the said company, shall take the said oath before one or more of the masters of our court of chancery for the time being, unto which master of chancery we do by these presents give full power and authority to administer the said oath to the said John Winthrop accordingly; and the said John Mason, who is herein before nominated and appointed the present deputy-governor of the said company, shall take the said oath before the said John Winthrop, or any two of the assistants of the said company, unto whom we do by these presents give full power and authority to administer the said oath to the said John Mason accordingly; and the said Samuel Wyllis, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Woolcott, John Talcot, Daniel Clarke, John Ogden, and Thomas Wells, who are herein before nominated and appointed the present assistants of the said company, shall take the oath before the said John Winthrop and John Mason, or one of them, to whom we do hereby give full power and authority to administer the same accordingly.

And our further will and pleasure is, that all and every governor or deputy-governor, to be elected and chosen by virtue of these presents, shall take the said oath before two or more of the assistants of the said company for the time being, unto whom we do by these presents give full power and authority to give and administer the said oath accordingly; and the said assistants and every of them, and all and every other officer or officers to be hereafter chosen from time to time, to take the said oath before the governor or deputy-governor for the time being, unto which said governor or deputy-governor we do by these presents give full power and authority to administer the same accordingly.

247 And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said governor and company of the English colony of Connecticut in New-England in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person and persons as are or shall be free of the said colony, full power and authority from time to time and at all times hereafter to take, ship, transport, and carry away, for and towards the plantation and defence of the said colony, such of our loving subjects and strangers as shall or will willingly accompany them in and to their said colony and plantation, except such person and persons as are or shall be therein restrained by us, our heirs and successors; and also to ship and transport all and all manner of goods, chattels, merchandizes, and other things whatsoever that are or shall be useful or necessary for the inhabitants of the said colony and may lawfully be transported thither; *nevertheless* not to be discharged of payment to us, our heirs and successors, of the duties, customs, and subsidies which are or ought to be paid or payable for the same.

To enjoy
 privileges,
 &c.

And further our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant unto the said governor and company and their successors, that all and every the subjects of us, our heirs or successors, which shall go to inhabit within the said colony, and every of their children which shall happen to be born there, or on the sea in going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any the dominions of
 us,

us, our heirs or successors, to all intents, constructions, and purposes whatsoever, as if they and every of them were born within the realm of England; and we do authorize and empower the governor, or in his absence the deputy-governor for the time being, to appoint two or more of the said assistants at any of their courts or assemblies to be held as aforesaid, to have power and authority to administer the oath of supremacy and obedience to all and every person and persons which shall at any time or times hereafter go or pass into the said colony of Connecticut, unto which said assistants so to be appointed as aforesaid we do by these presents give full power and authority to administer the said oath accordingly.

And we do further, of our especial grace, certain knowledge, and mere motion, ^{T_o erect} give and grant unto the said governor and company of the English colony of Connecticut in New England in America and their successors, that it shall and may be lawful to and for the governor or deputy-governor and such of the assistants of the said company for the time being as shall be assembled in any of the general courts aforesaid, or in any court especially summoned or assembled for that purpose, or the greater part of them, whereof the governor or deputy-governor and six of the assistants to be always seven, to erect and make such ^{judicatories} ^{judicatories} for the hearing and determining of all actions, causes, matters, and things happening within the said colony or plantation, and which shall be in dispute and depending there, as they shall think fit and convenient; and also from time to time to make, ordain, and establish all manner of wholesome and reasonable *laws*, statutes, ordinances, directions, and instructions, not contrary to the laws of this realm of England, *as well* for settling the forms and ceremonies of government and magistracy fit and necessary for the said plantation and the inhabitants there, as for naming and styling all sorts of officers, both superior and inferior, which they shall find needful for the government and plantation of the said colony, and the distinguishing and setting forth of the several duties, powers, and limits of every such office and place, and the forms of such oaths, not being contrary to the laws and statutes of this our realm of England, to be administered for the execution of the said several offices and places, *as also* for the disposing and ordering of the election of such of the said officers as are to be annually chosen, and of such others as shall succeed in case of death or removal, and administering the said oath to the new-elected officers, and granting necessary commissions, and for imposition of lawful fines, mulcts, imprisonment, or other punishment upon offenders and delinquents, *according to the course of other corporations* within this our kingdom of England; and the same laws, fines, mulcts, and executions, to alter, change, revoke, annul, release, or pardon under their common seal, as by the said general assembly or the major part of them shall be thought fit, and for the directing, ruling, and disposing of all other matters and things, whereby our said people, inhabitants there, may be so religiously, peaceably, and civilly governed, as their good life and orderly conversation may win and invite the natives of the country to the knowledge and obedience of the only true God and Saviour of mankind and the Christian faith, which in our royal intentions and the adventurers free profession is the *only and principal end of this plantation*; willing, commanding, and requiring, and by these presents for us, our heirs and successors, ordaining and appointing, that all such laws, statutes, and ordinances, instructions, impositions, and directions as shall be so made by the governor, deputy-governor, and assistants as aforesaid, and published in writing under their common seal, shall carefully and duly be observed,

T t

kept,

Laws to be
published
and put in
execution.

kept, performed, and put in execution, according to the true intent and meaning of the same; and *these our letters patent*, or the duplicate or exemplification thereof, shall be to all and every such officers, superiors, and inferiors from time to time for the putting of the same orders, laws, statutes, ordinances, instructions, and directions in due execution against us, our heirs and successors, a sufficient warrant and discharge.

248

And we do further for us, our heirs and successors, give and grant unto the said governor and company and their successors by these presents, that it shall and may be lawful to and for the chief commanders, governors, and officers of the said company for the time being, who shall be resident in the parts of New England hereafter mentioned, and others inhabiting there by their leave, admittance, appointment, or direction from time to time and at all times hereafter, for their special defence and safety to assemble, martial, array, and put in warlike posture the inhabitants of the said colony, and to commissionate, empower, and authorize such person or persons as they shall think fit, to lead and conduct the said inhabitants, and to encounter, expulse, repel, and resist by force of arms, as well by sea as by land, and also to kill, slay, and destroy by all fitting ways, enterprizes, and means whatsoever, all and every such person or persons as shall at any time hereafter attempt or enterprize the destruction, invasion, detriment, or annoyance of the said inhabitants or plantation, and to use and exercise the law martial in such cases only as occasion shall require; and to take or surprize, by all ways and means whatsoever, all and every such person and persons, with their ships, armour, ammunition, and other goods of such as shall in such hostile manner invade or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants, and upon just causes to invade and destroy the natives or other enemies of the said colony.

Provided.

Nevertheless our will and pleasure is, and we do hereby declare unto all Christian kings, princes, and states, that if any persons which shall hereafter be of the said company or plantation, or any other by appointment of the said governor and company for the time being, shall at any time or times hereafter rob or spoil by sea or by land, and do any hurt, violence, or unlawful hostility to any of the subjects of us, our heirs or successors, or any of the subjects of any prince or state being then in league with us, our heirs or successors, upon complaint of such injury done to any such prince or state or their subjects, we our heirs and successors, will make open proclamation within any parts of our realm of England fit for that purpose, that the person or persons committing any such robbery or spoil shall, within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince or others so complaining may be fully satisfied and contented; and if the said person or persons who shall commit any such robbery or spoil shall not make satisfaction accordingly within such time so to be limited, that then it shall and may be lawful for us, our heirs and successors, to put such person and persons out of our allegiance and protection; and that it shall and may be lawful and free for all princes or others to prosecute with hostility such offenders and every of them, their and every of their procurers, aiders, abettors, and counsellors in that behalf.

Provided also, and our express will and pleasure is, and we do by these presents for us, our heirs and successors, ordain and appoint, that these presents shall not in any manner

manner hinder any of our loving subjects whatsoever to use and exercise the trade of fishing upon the coast of New England in America; but they and every or any of them shall have full and free power and liberty to continue and use the said trade of fishing upon the said coast in any of the seas thereunto adjoining, or any arms of the seas or salt water rivers where they have been accustomed to fish, and to build and set up on the waste land belonging to the said colony of Connecticut such wharfs, stages, and work-houses as shall be necessary for the salting, drying, and keeping of their fish to be taken or gotten upon that coast; any thing in these presents contained to the contrary notwithstanding.

And know ye further, that we, of our abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents for us, our heirs, and successors, do give, grant, and confirm unto the said governor and company and their successors all that part of *our* dominions in New England in America bounded on the east by Narraganset river, commonly called Narraganset Bay, where the said river falleth into the sea; and on the north by the line of the Massachusetts's plantation; and on the south by the sea; and in longitude as the line of the Massachusetts's colony running from east to west, *that is to say*, from the said Narraganset Bay on the east to the South Sea on the west part, with the *islands* thereunto adjoining, together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, preeminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, or to them or any of them belonging; to have and to hold the same unto the said governor and company, their successors and assigns for ever, upon trust and for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns, to be holden of us, our heirs and successors, as of our manor of East-Greenwich, in free and common socage, and not in capite nor by knight service, yielding and paying therefore to us, our heirs and successors, only the fifth part of all the ore of gold and silver which from time to time and at all times hereafter shall be there gotten, had, or obtained, in lieu of all services, duties, and demands whatsoever, to be to us, our heirs and successors, therefore or thereout rendered, made, or paid.

And lastly, We do for us, our heirs and successors, grant to the said governor and company and their successors by these presents, that these our letters patent shall be firm, good, and effectual in the law to all intents, constructions, and purposes whatsoever, according to our true intent and meaning herein before declared, as shall be construed, reputed, and adjudged most favourable on the behalf and for the best benefit and behoof of the said governor and company and their successors, although express mention of the true yearly value or certainty of the premises or of any of them, or of any other gifts or grants by us or by any of our progenitors or predecessors heretofore made to the said governor and company of the English colony of Connecticut in New England in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation, or restriction heretofore had, made, enacted, ordained, or provided, or any other matter, cause, or thing whatsoever to the contrary thereof, in any-wise notwithstanding.

In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster the three and twentieth day of April in the fourteenth year of our reign.

By writ of privy seal.

H O W A R D.

249

Copy of the grant of five hundred acres to Major Mafon.

At a general assembly of election held at Hartford, May 14th 1663.

This court grants unto the Major, our worshipful deputy-governor, 500 acres of land for a farm where he shall choose it, if it may not be prejudicial to a plantation already set up or to be set up, so that there be not above fifty acres of meadow in it.

A true copy of record.

Test. George Wyllys, secretary.

Copy of an act allowing said Mafon to take up said five hundred acres.

At a general assembly held at Hartford, October 13th 1664.

The Major propounding to the court to take up his former grant of a farm at a place by the Indians called Pomackuck, near Norwich; the court grants liberty to him to take up his former grant in that place, upon the same terms as was granted to him by the court. Ensign Thomas Tracy and Francis Griswold are appointed to lay it out according to the former grant.

A true copy of record.

Test. George Wyllys, secretary.

Order upon Houghton's petition.

A session of the general court in Hartford, the 11th day of March 1657-58.

Richard Houghton of Pequot petitioning this court for their favour to consent that he the said Richard may have liberty to agree with Uncas for a certain neck of land called Massapeage, between Pequot and Moheagan, they having considered the low
estate

estate of this man, his charge of children, with other things, as further motives to them ; do hereby declare that they thus far consent to his petition or motion, *that in case be fully satisfy Uncas* for the aforesaid Massapeage, and there be a *full and clear agreement between them for the same*, then this court shall not manage the law in this commonwealth against him, for making any such contracts with Indian or Indians; provided the said Houghton or his assigns never make any further or other use of it but only to plant or sow thereupon in the summer, and to keep cattle thereupon in the winter, and that no swine shall be kept upon the premises at any time, neither shall be any other ways improved to the trespass or prejudice of Uncas in any such kind or trouble of this commonwealth.

250


A true copy of record, examined

Per Hezekiah Wyllys, secretary.

Uncas's deed of Massapeage to Richard Houghton, August 19th 1658.

To the worshipful governor of the colony of Connecticut, and all other magistrates to whom this writing shall come, that I Uncas, Sachem of Moheagan, and all other Indians to me belonging, with all the rights, manner, and dignities belonging to them, whereof I am the rightful Sachem of ; and I the said Uncas have and do firmly and freely, for some considerations to me known, do give and bequeath unto Richard Houghton, unto his heirs for ever, the neck of land that is called Massapeage, with all the privileges thereto belonging, to have and to hold by him and his heirs for ever ; and shall entreat that no other imposition, nor security, nor recognizance be demanded nor received of him, his heirs nor assigns, concerning any trespasses done between him the said Richard Houghton and me Uncas, but only such commendable laws as are provided between the English and the Indians, and in many such like occasions, as namely to satisfy one another in a just and loving manner, or else to answer the common and ordinary way of the law as other men do generally in such cases. I humbly desire the honourable court to confirm this my gift upon my well-beloved friend, without any other judgment but what I have made with him myself, as witness my hand, August 19th 1658.

251

Witnesses.—The mark  of Oweneco, son of Uncas.

The mark \triangle of Uncas.

William Morton,

The mark + of Joseph Houghton,

Elizabeth Charlet,

William Douglas.

Drawn out of the book of records, and returned by deed under the hand Uncas, by me

Obadiah Bruen, recorder.

U u

Uncas's

Uncas's description of the bounds of Massapeage, August 19th 1658.

252 The description of the bounds of the neck of land called Massapeage, as followeth: the south and south east side bounded with the great river that runneth from Moheagan to New London, and on the north-west side a little lake of water that runneth into the cove south-east, that lieth between this tract of land and Paghmaigh, unto a little run of water that cometh out of the wood right fourth, and from thence right west unto a tree of black oak with a great knot round about it like unto a wen, and from thence right west to a knopp of rocks that lieth on the top of the hill, and from thence west unto a little run of water, at the place where the way cometh over that leadeth from Moheagan to New London, and from thence down by the water, south and west, into the cove that cometh up Stony Brook from the Great River. This is a true description of this neck or tract of land called Massapeage, which was granted unto Mr. Richard Houghton in the year 1658, and also granted and possession given unto me by Uncas, Sachem of the Moheagans, on the nineteenth of August 1658.

Witness our hands,

William Morton,
Elifs Vawter,
Joseph Houghton,
Elizabeth Charlet.

The mark Δ of Uncas, Sachem.

Taken out of the book of records, being according to the original copy, by me

Obadiah Bruen, recorder.

The above are true copies signed by Mr. Bruen here, recorder, April 19th 1670, per me

John Allyn, secretary.

May 15, 1681.

Then Mr. Richard Houghton brought me the original of this writing next above written, under which was entered these words: Uncas, Sachem of Moheagan, personally appeared this 11th of May 1681, and acknowledged the above written instrument, of and about the boundaries of land sold or given by the said Uncas to said Richard Houghton, as his act and deed.

Test. John Talcot, assistant.

Vera copia. John Allyn, secretary.

A true copy of record, examined per me

Hezekiah Wylls, secretary.

Oweneco

Oweneco and Mahomet their deed to Haddam proprietors, June 26, 1702.

To all people to whom these presents shall or may come, I Oweneco, Sachem of Moheagan, in the county of New London, in the colony of Connecticut in New England, send greeting. Know ye that I, the said Oweneco, for and in the consideration of the sum of *thirty five pounds current money*, or as money in hand unto me paid at the signing and sealing of these presents by the proprietors of the town of Haddam, on the east side of the Great River, in the county of Hartford, in the colony of Connecticut in New England, well and truly paid before the signing and sealing of these presents, the receipt of which I do hereby acknowledge, and thereof, and of and from every part thereof, do fully and freely acquit, exonerate, and discharge them the said proprietors of the said town of Haddam, their heirs, successors, and assigns, and every of them for ever, by these presents; have therefore given, granted, bargained, sold, alienated, and encoffed and confirmed, and by these presents do fully, freely, and absolutely give, grant, bargain, sell, alienate, encoff, convey, demise, confirm, and deliver unto them the said proprietors all the lands lying on the *east side of said Great River*, at the place commonly called and known by the name of Macknudas, which are contained in the following boundaries, beginning at a great rock by the Great River side, called and known by the Indians by the name of Watomsquit, which is about forty rods southward of a certain cove coming out of said Great River, from the aforesaid rock the line to run easterly *six miles*, as the south bounds of the Moheagan lands are stated, as by record may appear; and from the end of said six miles the line to run northerly to a white oak tree marked with H and several other letters, and from said tree the said line to run five miles west, and from the end of said five miles the line to run north to the river called and known by the name of Salmon River, and from thence by said river to the Great River, and then bounded by the said Great River to the first station, excepting only the farm which did formerly belong to Capt. John Collet, as also the farm formerly belonging to Capt. Robert Chapman, with all the privileges thereunto belonging, reserving also, to myself, to my heirs and assigns, two hundred acres upon the most eastward part of said tract, where it may be least prejudicial to said town; and for Capt. Samuel Mason, his heirs and assigns, I reserve one hundred acres at the north-east corner of the aforesaid tract, as also four miles east from the Great River, being formerly consented to by my father Uncas as purchased of him, the whole being by estimation eight miles square of land, together with all the timber trees, woods, underwoods, stones, mines, minerals, ponds, waters, watercourses, members, properties, privileges, accommodations, and appurtenances thereon or therein standing or being, or then unto in any-wise belonging; as also all the estate, right, title, interest, or property, possessions, claims, and demands of me the said Oweneco, of, in, and to the same, with the reversion and reversions, remainder and remainders thereof, to have and to hold all the aforesaid tracts of land, lying, being, and bounded as above said excepting only what is before excepted and reserved) with all the profits, privileges, accommodations, and appurtenances as aforesaid unto the said bargained premises in any-wise belonging, unto them the said proprietors, their heirs and assigns,

and to their only proper use, profit, and behoof for ever. And I the said Oweneco, for myself, my heirs, executors, and administrators, do covenant, promise, grant, and agree to and with the said proprietors of the town of *Haddam*, their heirs, successors, and assigns, in manner following; *that is to say, that at the time of this bargain and sale, and until the infealing and executing of these presents, I the said Oweneco am the true and sole owner of the said lands*, and stand seized to my own proper use, in a good and perfect estate of inheritance, of and in the premises abovementioned to be bargained and sold, *without any manner of condition, reversion, or limitation*, and that I have in and of myself full power, good right, and authority to grant, bargain, sell, and dispose thereof freely and clear, and freely and clearly acquitted and discharged of and from all other and former gifts, grants, bargains, sales, leases, intails, mortgages, and from all other charges, annoyances, and incumbrances whatsoever. And furthermore, I the said Oweneco do covenant, promise, and grant to warrant and defend the within granted and bargained premises, with the appurtenances, at all times, unto them the said proprietors, their heirs, successors, and assigns, against the lawful claims and demands of any person or persons whomsoever laying any claim, or challenging any title or interest in or unto the same, or to any part thereof. And finally, I the said Oweneco, for myself, my heirs and administrators, do covenant, promise, and grant, that, at and upon the lawful and reasonable request and demand of them the said proprietors, their heirs and assigns, and at their cost in the law, we and either of us shall and will make, do, perform, and execute any such other or farther act or acts, device or devices in the law, for the further confirmation and more sure making of the within granted and bargained premises, with the appurtenances, unto them the said proprietors of the town of *Haddam*, their heirs and assigns, as shall be lawfully and reasonably advised or required. In acknowledgment and for confirmation of all and singular which premises, promises, covenants, grants, and agreements, I the said Oweneco unto these presents have set my mark and seal, this twenty-sixth day of June, *annoque Domini* one thousand seven hundred and two; yet nevertheless it is to be understood, that as Mr. Joseph Selden is now inhabiting upon the abovesaid farm, which did formerly belong to Capt. Collet, he the said Selden to have one mile and an half in breadth east and west, and length from the north to the south parallel with the bounds of said farm; and that I the said Oweneco do, by these presents, fully, freely, and absolutely confirm the said farm, with the one mile and an half in breadth, and the whole length of the said farm as abovesaid, to be at the only proper use, benefit, and behoof of the said Selden, his heirs and assigns for ever. And furthermore it is to be understood, that I the said Oweneco do reserve for myself, my heirs and assigns, *free liberty of hunting, fishing, and fowling*.

Signed, sealed, and delivered
in presence of us witnesses,

John Mason,
William Hide.

Oweneco  his mark.
Mahomet  his mark.

Oweneco and Mahomet his son, the subscribers, personally appeared, and acknowledged the above-written deed, before *Samuel Mason*, assistant, dated in Norwich, June 26, 1702.

These

These may certify all persons, that I *John Mason* of Stonington, in the county of New London and colony of Connecticut, as a guardian and trustee to *Oweneco*, do allow and approve of the disposition of the tract of land to the proprietors of *Haddam*, as mentioned on the other side. In witness whereof I have hereunto set my hand and seal this 22d day of *April* in the year 1708.

JOHN MASON.

Examined, and is a true copy of record in East Haddam first book of records, folios 85, 86, and 87, extracted this 27th day of June 1742.

Test. Daniel Cone, register.

Oweneco's deed to Samuel Bebee, &c. Feb. 17, 1709-10.

Whereas Capt. Sannop of Nihuntuck did, by an instrument under his hand and seal, bearing date the sixth day of June one thousand six hundred and seventy-four, make conveyance of a certain tract or parcel of land, containing about eight miles square, and about twelve miles up Connecticut river, unto John Allyn, John Talcot, Edward Palmes, Henry Woolcott, Cary Latham, and Matthew Griswold, their heirs and assigns for ever: and there happening to be some difficulty respecting the boundaries of the same, it *lying in or being environed with the Mobeagan country*; yet notwithstanding the abovesaid difficulty, for the removing of the same, and for the encouragement of the settling of an English plantation thereupon, but more especially for the good-will that I bear to some of the successors of the abovesaid gentlemen, I *Oweneco* do hereby, for myself, my heirs, executors, and administrators, together with the consent and allowance of Capt. John Mason, release, make over, and for ever quit claim, unto my good friend Samuel Bebee of *Soutbold*, in the county of Suffolk and province of New York, James Avery of Groton, in the county of New London and colony of Connecticut, and William Whiteing, Joseph Whiteing, and Joseph Wadsworth, all of Hartford and county of Hartford in the colony aforesaid, their heirs, executors, or assigns for ever, upon and part of the abovesaid tract of land, *four thousand one hundred and twenty acres* of the said lands; that is to say, my whole right, title, interest, or claim thereunto, or any part thereof: which said land is situate, lying, and being about twelve or thirteen miles up and near Connecticut river, and is bounded as follows, beginning at the east side line of *Haddam*, where it intersects *Lyme* north side line, and from thence to run about three miles easterly to *Culver's* land, and from thence to run northerly two miles and a half, partly bounded on that farm that Lieutenant Mason gave to his children to a tree standing on four sides, and from thence westerly about three miles to *Haddam* line, and from thence by said line to the first-mentioned bounds; to be to them the said Samuel Bebee, James Avery, William Whiteing, Joseph Whiteing, and Joseph Wadsworth, their heirs and assigns, in manner following; that is to say, the one half of the said land, as above bounded, to be and belong to the only proper use and behoof of the said Bebee, his heirs and assigns for ever; one quarter part to the said James Avery,

X x

259 his heirs and assigns for ever; and the other quarter part thereof to the abovesaid William Whiteing, Joseph Whiteing, and Joseph Wadsworth, their heirs and assigns for ever: to have and to hold the said tracts of land, together with all the privileges and appurtenances, liberties, royalties, immunities, or advantages whatsoever to the same belonging or any ways appertaining. And for a more full and ample confirmation of the aforesaid premises, I the said Oweneco, for myself, heirs, executors, and administrators, do promise, covenant, and agree, to and with the said Bebee, Avery, Whiteing, and Wadsworth, their heirs and assigns, shall and may, by force and virtue of these presents, from time to time and all times for ever hereafter, have, hold, improve, possess, and enjoy the same, and dispose thereof, with all and singular the above-granted or released privilege, with every of their appurtenances, without let, hindrance, molestation, eviction, or claim whatsoever, by, from, or through any means of me, the said Oweneco, or any other person or persons whatever, by, from, or through any means of me, or any under me. I do also further promise and engage for myself, my heirs and executors, to make, seal, and deliver any other or further conveyance or confirmation of the above-granted premises unto the abovesaid Samuel Bebee, James Avery, William Whiteing, Joseph Whiteing, Joseph Wadsworth, or either of their heirs and assigns, upon their reasonable demand and cost. In confirmation whereof I have hereunto set my hand and seal, *in my country of Moleag*, in the year one thousand seven hundred and nineteen, and on the seventeenth day of February. It is to be understood, that two hundred acres, within the above boundaries, laid out to Capt. John Brown, is excepted in this deed.

Oweneco  his mark.

Done by and with the consent of me

John Malon.

Signed, sealed, and delivered
in presence of us,

Jonathan Tracy,
Samuel Fairbanks.

February 17, 1709-10.

Oweneco appeared, and acknowledged the above-written instrument to be his free act and deed, before me

Jonathan Tracy, justice of the peace.

Recorded from the original, May 4, 1710, per

George Denison, county clerk.

A true copy, taken from *New London* county records.

Examined per Daniel Coit, county clerk.

Uncas's deed to John and Daniel Stebbins,

260

March 26th 1683.

Know all men by these presents, that I Uncas, Sachem of the Mohegans, for that good-will, love, and respect that I bear and owe unto my loving friend John Stebbins and Daniel Stebbins of *New-London*, the sons of John Stebbins senior, as well for their own use as for my good old friend their father's sake, have given and granted, and do by these presents, for me, my heirs, executors, and administrators, firmly, freely, and absolutely give, grant, alien, infeof, transfer, and make over, unto the said John and Daniel Stebbins, to them, their heirs, executors, and administrators, and assigns for ever, *one tract of land* lying and being near *Jeremy Adams's* farm, that lieth on the road between *New-London* and *Hartford*, adjoining unto said farm on the southwardly side thereof, with all the upland and meadow therein, be the acres thereof more or less; and it is laid out to them, by my appointment and order, by my son *Poguinuck*, and by him bounded, according to my direction, as followeth, beginning at a rock that is like a house (on the west side of a pond) upon the upland, against the middle of the pond called *Elanganoux*, a parcel of meadow lying between that boundary and the pond, and running easterly upon a line through the pond (the middle thereof) unto a tree marked by the pond-side, a large white oak tree marked with my son's proper mark; and from that tree, through stony ground, up a hill, easterly, to a small black oak, marked as aforesaid, a large-forked oak standing near it, which is the eastern bounds, called *Nanisuck*; from thence, northerly, to a tree to the eastward of a small swamp that side called *Cbebecantapp*, and a small piece of meadow which lieth in opposition to a parcel of meadow, on the west side of which meadow lieth a great ledge of rocks called *Cassacubque*, which tree is marked with my son's mark as aforesaid; and from this tree, upon the same line, northerly, till it meets with *Jeremy Adams's* southern line, and then to run westerly, adjoining to the said Adams his land upon the southern line, till it comes in opposition to the great ledge of rocks called *Cassacubque*, and then to run to said rocks, and under the said ledge, all along under that and other great ledges and hills, till you come to the first rock called *Elanganoux*, the first boundary; which rock is to be the western bounds, with all the lands, both upland and meadow, therein contained. And I the said Uncas do hereby declare, *that I am the sole and absolute owner and proprietor of said lands, and that I have full and good power to dispose the same, and that they are no way given or granted, sold, alienated, mortgaged, or made over to any person or persons whatsoever, but they are really and properly my own*; and that therefore the said John and Daniel Stebbins may have and hold, use, dispose, improve, and enjoy the same, as a good free estate, to themselves, their heirs, executors, and assigns, with all and all manner of privileges and appurtenances whatsoever to the same and of the same in any-wise belonging or appertaining for ever, without any let, hindrance, trouble, or molestation, or objection, of me, my heirs, executors, administrators, or assigns, or of any person or persons whatsoever:

261

262 whatsoever: and in testimony I have hereunto set my hand and seal in New-London;
the 26th day of March 1683.

Signed, sealed, and delivered
in presence of

Charles Hill,

The mark + of Quunnumput, counsellor.

Uncas Δ his mark. (L. S.)

A true copy of record, examined per

Daniel Coit, town-clerk.

The above written was acknowledged June 1683 before me, and is that I do
well approve of,

Samuel Mafon, assistant.

Extracted out of the original deed

Per Charles Hill, recorder.

A true copy of record, examined per

Daniel Coit, town-clerk.

Uncas's deed to Jeremy Adams.

Hartford, May 20th 1662.

263 This writing witneffeth, that I Uncas, Sachem of Moheag, do by these presents
give, grant, bargain, sell unto Jeremy Adams, one parcel of land lying in the way
to Moheag, abutting on Tantumacuntaway river on the west, and a mile beyond the
said Jeremy's house east, and three miles in breadth from the river that runs along
by Jeremy Adams's house towards the north; to have and to hold all the afore-men-
tioned parcels of land, from the day of the date hereof, to him and them and their
heirs for ever, without any interruption or molestation from any Indian or Indians;
hereby assuring him, that I will free him and them from all claims by any other In-
dian, and that I have true right to give and sell the premises: and for the confirma-
tion thereof, I firmly bind me, my heirs and executors, as witness my hand the day
and year first above written. — Memorandum: Uncas doth further hereby declare,
that whereas it is inserted he gives the aforefaid land to Jeremy Adams his heirs,
by heirs he intends Sarah Adams, and her heirs in special manner.

Signed and delivered in
presence of us,

John Talcot,
John Allyn.

Uncas Δ his mark.

The above written is a true copy of the original, being compared therewith,
April 1st 1684,

Per John Allyn, secretary.

June 21st 1675.

This present witnesseth, that I Uncas, Sachem of the Moheagans, have received of Jeremy Adams full satisfaction for a parcel of land I the said Uncas sold to him the said Jeremy Adams, as by a bill of sale doth appear: I say, received per me and my son; and do hereby fully confirm that deed of sale, dated May 20th 1662, as witness my hand the day and year above written.

Witness,
Joseph Mygall,
Thomas Alcott,
John Wadsworth.

Uncas Δ his mark.
Josiah, Uncas's son, $+$ his mark.

April 1st 1684.

The above written is a true copy of the original, being examined and compared therewith, per

John Allyn, secretary.

The within is a true copy of record, examined per

George Wyllys, secretary. 264

Act for the enlargement of New-London township.

At a court of election holden at Hartford, May 13th 1703, this general assembly was continued, by adjournment, to the 27th day of the same month, post meridiem.

Whereas the town of New-London hath made application to this general assembly, that a *small* tract of land, lying on the west side the Great River in the said town, between the *north bounds* of the said town and the north-east bounds of the town of *Lyme*, and by a straight line from the north-east corner of Lyme bounds to the south-west corner of Norwich south bounds, as the said bounds of Norwich runs down to Trading Cove, and so, by the said cove, to the said Great River, *be added* to the *township* of New-London, and a patent accordingly given for the whole township of New-London to the proprietors thereof; this court grants, that the said tract of land shall be added to the township of New-London, and a patent granted to the proprietors of said town for the whole township, signed by the deputy-governor (*in regard the governor is concerned therein*) and secretary, by order of this general assembly. Provided nevertheless, that whatsoever properties, whether of English or Indians, that are within the said tract of land so granted and added, shall be and are hereby reserved and saved, for the respective possession, use, and improvement of the several proprietors of the same.

A true copy of record, examined per

George Wyllys, secretary.

To all persons to whom these presents shall come, the governor and company of her majesty's colony of Connecticut in general court assembled send greeting :

Whereas we the said governor and company, by virtue of letters patent to us granted by his royal majesty Charles the Second of England, &c. king, bearing date the 23d day of April, in the fourteenth year of his reign, annoque Domini 1662, have formerly, by certain acts and grants passed in general assembly, given and granted to John Winthrop, Esq; Wait Winthrop, Esq; Daniel Witherell, Esq; Richard Christophers, Esq; Mr. Nehemiah Smith, Captain James Morgan, John Allyn, William Douglas, Joseph Latham, Captain John Avery, David Calkins, Captain John Prentis, Lieutenant John Hough, John Stubbin, John Keney, Robert Douglas, John Burroughs, Samuel Fith, Thomas Crocker, Richard Dart, Samuel Rogers senior, John Rogers senior, James Rogers, John Lewis, Daniel Stubbin, George Gears, Thomas Bollis, Benjamin Shapley, John Edgcomb, Jonathan Prentis, Peter Harris, Samuel Avery, Robert Lattemore, Lawrence Codner, John Tirrel, John Richards, Peter Strickland, Stephen Prentis, John Plumb, Samuel Rogers junior, John Fox, Samuel Bebee, Oliver Mannering, John Coit, George Chappell, Joseph Minor, John Beckwith, Philip Bill, Thomas Starr, John Davy, James Morgan junior, Charles Hill, Joshua Hempstead, Jonas Green, Joseph Truman, Thomas Way, Jeremiah Chapman, Thomas Bailie, Daniel Cumraik, Joshua Baker, John Wickwere, Benjamin Atwell, Thomas Williams, Samuel Waller, Peter Cray, Joshua Wheeler, Richard Williams, Richard Morgan, Abel More, Adam Pickett, James Avery, John Danils, Christopher Darrow, Andrew Lester, John Chappell, Daniel Lester, Samuel Rogers (Joseph's son) with divers other persons, and to their heirs or assigns, or such as shall legally succeed, or represent them or either of them, for ever, a just and legal property in a certain tract of land, now commonly called and known by the name of *New-London*, lying and being within the county aforesaid, to us by the said letters patent granted, to be disposed of as in the said letters patent is directed, and bounded as hereafter followeth; and the said John Winthrop, Wait Winthrop, Daniel Witherell, Richard Christophers, Nehemiah Smith, James Morgan, John Allyn, William Douglas, Joseph Latham, John Avery, David Calkins, John Prentis, John Hough, John Stubbin, John Keney, Robert Douglas, John Burroughs, Samuel Fith, Thomas Crocker, Richard Dart, Samuel Rogers, John Rogers, James Rogers, John Lewis, Daniel Stubbin, George Gears, Thomas Bollis, Benjamin Shapley, John Edgcomb, Jonathan Prentis, Peter Harris, Samuel Avery, Robert Lattemore, Lawrence Codner, John Tirrel, John Richards, Peter Strickland, Stephen Prentis, John Plumb, Samuel Rogers, John Fox, Samuel Bebee, Oliver Mannering, John Coit, George Chappell, Joseph Minor, John Beckwith, Philip Bill, Thomas Starr, John Davy, James Morgan, Charles Hill, Joshua Hempstead, Jonas Green, Joseph Truman, Thomas Way, Jeremiah Chapman, Thomas Bailie, Daniel Cumraik, Joshua Baker, John Wickwere, Benjamin Atwell, Thomas Williams, Samuel Waller, Peter Cray, Joshua Wheeler, Richard Williams, Richard Morgan, Abel More, Adam Pickett, James Avery, John Danils, Christopher Darrow, Andrew Lester, John Chappell, Daniel Lester, Samuel Rogers (Joseph's son) with such other persons as are at this present time, by virtue of the aforesaid acts and grants,

grants, proprietors of the said tracts of land, having made application to us for a more ample confirmation of their propriety in the said tract of land, which they are now in possession of, by a good and sufficient instrument signed and sealed with the seal of this corporation :

Therefore know ye, that we the said governor and company, in general court assembled, by virtue of the aforesaid letters patent, and for divers good causes and considerations, pursuant to the end of the said letters patent us thereunto moving, have given, granted, and confirmed, and by these presents do further fully, clearly, and amply give, grant, and confirm, to the aforesaid John Winthrop, Esq; Wait Winthrop, Esq; Daniel Witherell, Esq; Richard Christophers, Esq; Mr. Nehemiah Smith, Captain James Morgan, with all the other above named persons, and all other persons at this present time proprietors with them of the aforesaid tract of land, now being in their full and peaceable possession and seisin, and their heirs and assigns, or such as shall legally succeed or represent them or either of them, for ever, the aforesaid tract of land, commonly called and known by the name of *New-London*, lying in the colony aforesaid, and bounded as followeth; 267
that is to say, on the west by a ditch, and two heaps of stones on the west side of Nahantick bay, on the land formerly called *The Soldiers Farm*, about forty rods eastward of the house of Mr. Thomas Bradford; and from thence north by a line that goes three rods to the west of the falls in Nahantick river; and from thence north to a black oak tree eight miles from the ditch aforesaid, which tree hath a heap of stones about it, and is marked on the west side WE, on the east side LP, being an ancient bound-mark between New-London and Lyme; and from that tree east half a mile and sixteen rods to a black oak tree, with a heap of stones about it, marked with the letter L; and from thence north to the north-east corner of the bounds of the town of Lyme, and from the said north-east corner of the bounds of the town of Lyme, upon a draight line, to the south-west corner of the south bounds of the town of Norwich; on the north by the south bounds of the aforesaid Norwich, as the said bounds are slated, from the aforesaid south-west corner, down to a cove commonly called *Trading Cove*; and from thence, by the said cove, to the great river commonly called *New-London River*; and from the place where the said cove joins to the said river, by a line crossing the river obliquely eastward, to the mouth of a cove commonly called *Paucatuck cove*; and from thence, by the said Paucatuck, to the head thereof; and from thence, upon a direct line, to an oak-tree marked and standing near the dwelling house of Thomas Rose, which tree is the south-east corner of the bounds of the aforesaid Norwich; and from thence, by an east line, to the bounds of the town of Stonington, which line divides between New-London and Preston; on the east by a line which runneth south from the place where the above-mentioned north bound of New-London aforesaid meets with the said bounds of Stonington, till it comes to the place where the pond by Latham's hill empties itself into the brook, till it falls into the river called *Mistick River*; and from thence, by the said Mistick River, till it falls into the sea or sound to the north of Fisher's Island; on the south by the sea or sound, from the mouth of the aforesaid Mistick River to the west side of Niantick Bay, unto the aforesaid ditch and two heaps of stones about it; together with all and singular the messuages, tenements, meadows, pastures, commons, wood, underwoods, waters, fishings, small islands, or inlets or hereditaments whatsoever, being parcel belonging or in any way appertaining to the tract aforesaid; and do hereby grant and confirm to the said proprietors, their heirs.

and assigns, or such as shall legally succeed or represent them, his or their several particular respective proprieties in the said premises, given and confirmed according to such allotments or divisions as they the said present proprietors have already made, or shall hereafter make of the same, *to have and to hold* the said tract of land, with the premises aforesaid, to the said John Winthrop, Esq; Wait Winthrop, Esq; Daniel Witherell, Esq; Richard Christophers, Esq; Mr. Nehemiah Smith, Captain James Morgan, and all the rest of the above-mentioned persons, and all others the present proprietors of the said tract and premises, their heirs and assigns, or such as shall legally succeed or represent them, for ever, as a good, sure, rightful, perfect, absolute, and lawful estate in fee-simple, and according to the aforesaid letters patent, after the most free tenure of his majesty's manor of East-Greenwich, in the county of Kent, to the sole, only, and proper use and behoof of the said John Winthrop, Esq; Wait Winthrop, Esq; Daniel Witherell, Esq; Richard Christophers, Esq; Captain James Morgan, with all the above-named persons, and all others the present proprietors of said tract and premises, their heirs or assigns, or such as shall legally succeed or represent them, for ever, as a good, sure, rightful estate, in manner as aforesaid, *reserving* only to her present majesty, our sovereign lady Anne, of England, &c. queen, and her successors, for ever, *one fifth part of all gold or silver mines or ore that hath been or shall be found within the premises to grant and confirmed: always provided, that whatsoever land within the aforesaid tract, which formerly did and now doth belong unto, and is the just and proper right of* Uncas, late Sachem of Mohegan, or Oweneco his son, or any other Indian Sachem whatsoever, and hath not yet been lawfully purchased of said Sachems, or acquired by the English, doth and shall still remain the right and property of the said Indian Sachems or their heirs, and shall not be entered upon or improved, or claimed as property, by the aforesaid persons to whom the said tract is hereby confirmed, or any of them, by virtue of this instrument; nor shall any thing herein contained be at any time deemed, taken, or construed to the prejudice of any of the said Sachems, or their heirs *right to said lands*, within the said tracts aforesaid, which hath not yet been sold or alienated by them; but their said right shall be *and remain good and free* to them, to all intents and purposes in the law; and the said land which they have right in as aforesaid shall be and remain *as free* for their own proper occupation and improvement as if it had not been included in the bounds of the aforesaid New-London, as specified in this instrument.

And further, we the said governor and company the aforesaid tract of land and premises, and every part and parcel thereof, hereby granted and confirmed to the said John Winthrop, Wait Winthrop, Daniel Witherell, Richard Christophers, Nehemiah Smith, James Morgan, John Allyn, William Douglas, Joseph Lathan, John Avery, David Calkin, John Prentis, John Hough, John Stubbin, John Keney, Robert Douglas, John Burroughs, Samuel Fish, Thomas Crocker, Richard Dart, Samuel Rogers, John Rogers, James Rogers, John Lewis, Daniel Stubbin, George Gears, Thomas Bollis, Benjamin Shapley, John Edgcomb, Jonathan Prentis, Peter Harris, Samuel Avery, Robert Lattemore, Lawrence Codner, John Tirrel, John Richards, Peter Strickland, Stephen Prentis, John Plumb, Samuel Rogers, John Fox, Samuel Bebee, Oliver Mannering, John Coit, George Chappell, Joseph Miner, John Beckwith, Philip Bill, Thomas Starr, John Davy, James Morgan, Charles Hill, Joshua Hempstead, Jonas Green, Joseph Truman, Thomas Way, Jeremiah Chapman, Thomas Bailie, Daniel Comfalk, Joshua Baker,

John Wickwere, Benjamin Atwell, Thomas Williams, Samuel Waller, Peter Cray, Joshua Wheeler, Richard Williams, Richard Morgan, Abel More, Adam Pickout, James Avery, John Daniels, Christopher Darrow, Andrew Lelter, John Chapin, Daniel Lelter, and the rest of the present proprietors thereof their heirs and assigns, or such as shall legally succeed or represent them, to their own proper use and uses (in the manner and under the limitation above expressed) against us, and all and every other person or persons lawfully claiming by, from or under us, shall and will warrant and for ever defend by these presents. In witness whereof we have ordered this present instrument to be signed by the deputy governor of this corporation, and by the secretary of the same, and also that the seal of this corporation be affixed hereunto this 14th day of October, in the third year of her majesty's reign, annoque Domini, one thousand seven hundred and four.

ROBERT TREAT, deputy-governor.

Signed and sealed, by order of the governor and company, in general court assembled. 270

Eleazar Kimberly, secretary.

A true copy of record.

Examined per George Wylls, secretary.

Captain Minor's testimony.

The testimony of John Minor senior, of Woodbury, interpreter, as followeth, being required to evidence upon certain memory or knowledge what Oweneco's answers were to a proposal made to him at a general assembly held at Hartford, May 1703, respecting the enlargement of the bounds of *New London*, upon which proposal the said Oweneco had something of reluctance, saying, at the first proposal, that he feared that it would be some disappointment as to his lands that were sequestered for their use; but being informed, positively, that this enlargement to New-London should no ways alter the property, but his lands should remain the same as before, the said Minor doth testify, that the said Oweneco expressed himself very willing and free, that the bounds of New-London should extend to the taking in said lands.

The above written testimony was taken upon oath before me Thomas Judd, justice of the peace in Woodbury, July 18th 1703.

A true copy of the original on file.

Test. E. Kimberly, secretary.

The testimony of serjeant John Gallup.

That being at Hartford in May 1703, all the time when the general court was about to make an addition to the township of New-London, Ben Uncas, Oweneco's brother, came to this deponent, and desired him to go with him to the court, which he did, and, being there, he heard read and interpreted unto Oweneco that which was drawn up and afterwards voted by the court, to add some land to the township of New-London which lay on the north side thereof, in which the Indian lands were reserved to them, with which Oweneco declared himself satisfied the bounds of New-London should extend to the taking in said land; and the aforesaid Ben Uncas, at the same time, would have had it added, *that no Englishmen should hire of Oweneco for they would do as Daniel Fitch, who had hired land for ninety-nine years, which wanted but one of an hundred; and two should live a hundred years?*

JOHN GALLUP,

Captain John Minor, interpreter.

New-London, August 20th 1703.

John Gallup, the deponent above-named, personally appearing before me, William Pitkin, one of the assistants of her majesty's colony of Connecticut, gave it upon oath that this above-written testimony was the truth, the whole truth, and nothing but the truth. In testimony whereof I have hereunto subscribed

WILLIAM PITKIN.

The above-written is a true copy.

Eleazar Kimberly, secretary.

A true copy of record.

Examined per George Wyllys, secretary.

272 Oweneco and his council's deed to Major Levingston, &c. May 10th 1710.

To all persons to whom this shall come, I Oweneco, Sachem of Moheagan, in her majesty's colony of Connecticut, long since and constantly approved by the governor and company of the said colony, successor and heir of my father Uncas, and firm friend of the said colony, sendeth greeting:

Know ye, that whereas by ancient leagues, agreements, and covenants between the governor and company aforesaid and my aforesaid father Uncas, late Sachem of Moheagan, and myself since the decease of my said father, all which are recorded in the

rolls of the general court of said colony, certain methods were concluded and established for the better settling of such lands *as the aforesaid records do shew*, did appertain to my said father as Sachem aforesaid, *and after his decease to myself*, pursuant to which agreements and covenants, I the said Oweneco having disposed of several parcels of land descending from my said father to me as aforesaid, have, nevertheless, thought good in my purpose and determination to *reserve* a certain tract of land lying between the towns of *New-London* and the town of *Norwich*, in the colony aforesaid, and comprized within the patent of the town of *New-London*, as lying most suitable and convenient for my own use and improvement, and for the use and occupation of such Indians as should belong to me, as also to be converted to my own proper use and comfort when old age should come upon me, by disposing of it to such of my English friends as I should see cause, in order to my obtaining what might be requisite for my support, according to what, as well of my own right, as by virtue of the leagues and covenants aforesaid, I had often done and may do: I Oweneco aforesaid, Sachem of Mohegan, pursuant to the said covenant, and considering the great age that I am arrived to, and my incapacity to support myself as when I was a young man, and considering also that I have reserved in my hands a certain part of the tract of land in a place commonly called *Mohegan fields*, lying between *New-London* and *Norwich* aforesaid, of quantity and quality both sufficient and suitable for my own use, and for the use and occupation of all such Indians as remain with me, their Sachem, upon the aforesaid land, and more especially for and in consideration of the sum of *fifty pounds*, current money of the said colony, to me in hand paid before the signing and sealing these presents by Major *John Levingston* of *New-London*, lieutenant *Robert Denison* of *Stonington* in the colony aforesaid, Mr. Samuel Rogers son of Samuel Rogers, and James Harris junior, both of *New-London* aforesaid; that is to say, *two fifth* parts of the said sum of fifty pounds was paid me by said *Levingston*, and one fifth part of the sum of fifty pounds as aforesaid was paid me by each of the other above-named persons, viz. Robert Denison, Samuel Rogers and James Harris, whereof and of every part of which said sum and several portions thereof as aforesaid, I the said Oweneco do, for myself, my heirs and successors, them the said Levingston, Denison, Rogers, and Harris, and their heirs and assigns, fully and for ever acquit and discharge, have given, granted, alienated, demised, bargained, sold, enfeoffed, and confirmed, and do by these presents give, grant, alienate, demise, bargain, sell, enfeoff, and confirm to the said Major John Levingston, lieutenant Robert Denison, Samuel Rogers, and James Harris, and their heirs and assigns for ever, *one tract or parcel* of land; that is to say, to the said Levingston and his heirs and assigns for ever two fifth parts of the said land, and to the said Denison, Rogers, and Harris, to each of them and their several respective heirs and assigns for ever one fifth part of said land, lying and being bounded as followeth, viz. on the south with a straight line running from a certain known tree, anciently called and known by the name of the north-west corner tree of the town of *New-London* aforesaid, being an ancient north-west bounds of said town, to a white rock in the great river running from *Norwich* in the said colony to *New-London* aforesaid, which line has been long since established as the bounds between *Mohegan* lands and the lands purchased of my aforesaid father *Uncas* by the town of *New-London* aforesaid; on the east by two black oak trees marked at the south side of *Stone-brook*, and a small wheat-field just on the north side of said *Stone-brook*, now improved by Captain *Thomas Avery*; and so south upon a straight line to *New-London* old line, which runs from the aforesaid north-west corner tree to a white rock in *New-London* river, which goes to *Norwich* aforesaid; and north from


273

274






from aforesaid two black oak trees, and the wheat-field aforesaid, upon a north line, to a brook commonly called Trading-cove-brook; and northerly by said brook (which is the line that bounds the said Mohegan lands upon Norwich aforesaid) on the west on a straight line from Norwich south-west corner tree, on the towns of Colchester and Lyme, and to the aforesaid New-London north-west corner tree; with all the woods, under-woods, water-courses, mines, minerals, quarries of stones, with all and all manner of privileges of fishing, fowling, hunting, and appurtenances thereunto belonging, or any ways appertaining, *excepting* only such *particular* parcels of land as have, before the unsealing of these presents, been sold by me to any English persons, and which they are now possessed of, and by virtue of said sale (according to the number of acres expressed in the said deed) legally obtained from me, and the grant which was granted by the general court of the said colony to the honourable John Winthrop, deceased, late governor of the same, and Gordon Saltonstall, both of New-London aforesaid, for and withal I do hereby declare myself to be fully satisfied; to have and to hold, to them the said Levingston, Denison, Rogers, and Harris, their heirs and assigns respectively for ever, as their own proper estate, and for their own proper use and behoof, the aforesaid bargained and demised premises, with all the privileges and appurtenances thereunto belonging or any wise appertaining, in proportion above expressed, free, clear, and quiet from any and all manner of duties, obligation, payments, and incumbrances, by reason of me, my heirs or successors, or any or either of them, or other persons whatsoever; always provided that the *Mohegan Indians* shall have liberty to cut, ride, and carry away fire-wood for their use only, and winter on the lands on occasion, from the above granted land, in such places as shall be appointed to them by any of the above-mentioned persons, or by their heirs or assigns. In testimony whereof I the said Oweneco, by and with the consent of my Indians, have hereunto set my hand and seal in New-London this *tenth* day of *May*, annoque Dom. one thousand seven hundred *and ten*, and in the ninth year of her majesty's reign.






Signed, sealed, and delivered
in the presence of

John Wickwere,
Joseph Stanton.

Oweneco,  his mark.

Memorandum: That "for their use only, and winter on said land on
"occasion," in the tenth line of this sheet, and in the eleventh
line, "the said Oweneco, by and with the consent of my Indians,"
was intended before signing and sealing of these presents.

Ben Uncas  his mark,
Nuckimucky  his mark,
Harry Couper  his mark,
Charles-ton  his mark,
Holen  his mark,

Cæsar  his mark,
Cockoquid, counsel,  his mark,
Jehomas, counsel,  his mark,
Woompeneag, counsel,  his mark,
Cheefhunk  his mark.

New-

New-London, 10th May 1710.

Mr. Joseph Stanton, interpreter, being sworn, did, before me, the subscriber Thomas Bollis, one of her majesty's justices of the peace for the county of New-London in the colony of Connecticut, interpret the above-written deed unto the grantor Oweneco, therein mentioned, and declared upon oath that he had made him fully to understand the same and his men, who are witnesses thereto gave their voluntary consent, and that the said Oweneco acknowledged to have received the sum of fifty pounds current money of this colony, and was then sober and of sound understanding, and that this deed was his voluntary act and deed, before me

276

THOMAS BOLLIS.

Recorded in the second book of records for the county of New-London, on folio 64, 65, 66. May 10th 1710.

Per George Denison, county-clerk.

Recorded in the sixth book of records in New-London, folio 210, May 22d 1710.

Per Daniel Wetherell, recorder.

Cæsar's deed to New-London, May 30th 1715.

To all people to whom these presents shall come, greeting :

Know ye, that I Cæsar, Sachem of Moheagan, in the county of New-London, and colony of Connecticut, in New-England, having taken into serious consideration the proceedings of some persons, who, taking the advantage of the old age of my father Oweneco, formerly Sachem of the Moheagans, and unjustly obtaining sundry writings for the lands in said New-London, *called all Moheagan lands*; but I having considered concerning the same, and finding them to be fraudulent and contrary to the English laws of the colony, they wrongfully abusing the town of *New-London*, to be endeavouring to defraud my said father of his lands in said township, but I finding *that the just right of purchase of the said lands doth belong to the town of New-London, and no other*, and that I might live in good friendship with my neighbours, nor to have any hand in the said former fraud, who have by animating the Indians against said town, to hinder them of their rightful purchase, and having special confidence and no scruple of said town of *New-London*, will take special care to secure sufficient lands for the use of me and my people, and in consideration of one hundred pounds, current money of New-England, well and truly to be paid unto me by Captain Peter Mafon of said New-London, upon account and in behalf of said *town of New-London*, the receipt whereof I do hereby acknowledge, and myself well satisfied, contented and paid, have given, granted, bargained, and sold unto the said town of New-London and their successors for ever; *all that land hereafter mentioned, to say, being bounded east with Norwich river, northerly with Norwich bounds, westerly with Colchester and Lyme, bounded southerly with New-London old bounds, lying in said township of New-London; all which lands, so bounded, except any lawful grant that may happen within said bounds, I have and do by these presents give, grant, bargain, sell, alienate to said town of New-London, and their successors and assigns for ever: to have and to hold the*

277


A a a

granted.

granted premises, with all the appurtenances, rights, and privileges thereunto belonging, to and against me, my heirs, successors, or any other Indian or English whatsoever. Furthermore, I the said Cæsar do covenant, promise, and agree with the said town of New-London, and their successors and assigns for ever, that they shall and may hold the bargained premises, and quietly possess the same for ever, by force and virtue of these presents. In testimony whereof I have hereunto set my hand and seal this 30th day of May 1715.

278

Signed, sealed, and delivered
in presence of
Samuel Allyn,
John Hobart,
Sampson Houghton.

Cæsar  his mark. (L. S.)

Cæsar, the Moheagan Sachem, the subscriber personally appeared, and acknowledged the above act and deed to be his free act and deed, before me
New-London, June 17th 1715.

Daniel Wetherell, justice-peace.

Ensign Samuel Avery of New-London, did, before me Daniel Wetherell, justice of the peace for the county of New-London, upon solemn oath declare, that he did make the within-named Cæsar, Sachem of Moheag, rightly and fully understand the within instrument, and the nature thereof, to the best of his skill and judgment, and made the abovesaid Cæsar well understand the same.

Daniel Wetherell, justice of peace.

June 17th 1715, New-London.

Extracted out of the original, and recorded March 3d 1715-16.

Daniel Wetherell, recorder.

A true copy of record extracted out of New-London records,

Per Daniel Coit, town-clerk.

(L.S.) Joseph Talcot, Esq; governor of his majesty's English colony of Connecticut in New-England in America, to all to whom these presents shall come, sendeth greeting:

279 Know ye, that George Wylls, Esq; of Hartford in the county of Hartford and colony aforesaid, is secretary of the said colony for the current year, lawfully elected and sworn, and that therefore all due faith and entire credit is and ought to be given, as well in court as in the country, to his attestation of the several matters and things which are attested by him, contained within the following roll to these presents annexed.

In

In testimony whereof I have caused the public seal of the said colony to be hereunto affixed.

Given under my hand at Hartford, the 20th day of May, anno regni Georgii Secundi, mag. Brittan. &c, regis undecimo, annoque Dom. 1738.

J. TALCOT.

CONNECTICUT COLONY.

280

Copy of act of assembly.

At a general assembly holden at New-Haven, in his majesty's colony of Connecticut in New-England, on the 9th day of October, in the fifth year of the reign of our sovereign lord George, king of Great-Britain, &c. annoque Dom. 1718.

Whereas the commissioners appointed by the assembly to view this state of the Indians living at Moheagan in the township of New-London, and of the land they live upon, in order for this assembly's taking proper measures for civilizing them, and acquainting them with the truths of the gospel, have, in a report by them made, together with a draught of the said land, represented to this assembly the number of the said Indians to be *upwards of two hundred*, and that the land is sufficient for their comfortable subsistence; and that the said Indians *have complained* to them of several claims and entries, made upon the said land, and damage sustained by them in *their fields*, and prayed that they would recommend them to the care and protection of the said court:

This court have thereupon considered and enacted, and it is hereby enacted, by the governor, council, and representatives, in general court assembled, and by the authority of the same, that James Wadsworth, Esq; Mr. John Hooker, and Captain John Hall, be commissioners in the name of this government, to inspect therein, as also that whole tract of land lying between the ancient bounds of New-London and Norwich, *commonly called sequestered lands*; and the said commissioners, or any two of them, are hereby empowered to do and act therein for the *removal of all forcible entries* and detainers committed on the said land or lands so sequestered, as justices of the peace in this colony might or could have done, by virtue of an act entitled *Forcible Entries*, in the former law-book, page 39, which is hereby revived and put in force for the special uses of this present act, without being obstructed therein by any pretence whatsoever of deed, bargains, leases, feoffments in trust, or any other writings of any kind or possession, for any time had or pretended to be had thereon, without the grant or lawful conveyance of this court first had and obtained; and in case of any pretence of right made by any person or persons to hold any part of the said lands, *called sequestered*, against the said Indians, the said commissioners, or any two of them, are hereby empowered to take cognizance of every such title or claim, and report the same to this general assembly for their further order thereon.

281

And

And the said commissioners are hereby impowered to make such direction and give such orders, from time to time, as they shall judge convenient for *protecting* and *securing* the said Indians in *their lands aforesaid*, and in *the quiet possession* and *improvement* of them.

And the said commissioners shall from time to time lay before this assembly their proceeding by virtue of this act, in and about the said *whole tract* of lands called *sequestered*, that such *further order* may be taken as shall be judged necessary to the doing of justice relating to the ordering of the said affairs, without exposing the said Indians to the charge of suits in the common-pleas for securing to them their said lands, *anciently called the sequestered lands*, and the improvements upon them; the power of said commissioners to continue during the pleasure of this court, who shall be satisfied for their care and trouble in this affair out of the profits of the said lands.

A true copy of record.

Examined per George Wylls, secretary.

CONNECTICUT COLONY.

Copy of act of assembly.

At a general assembly holden at New-Haven, in his majesty's colony of Connecticut in New-England, on the 13th day of October, in the seventh year of the reign of our sovereign lord George, of Great-Britain, &c. king, annoque Dom. 1720.

An act for the encouragement of the settlement of a gospel minister in the north parish in New-London, and for the *quiet settlement* of the lands there.

Upon consideration of the different circumstances of the north parish in New-London, and the difficulties that the inhabitants there, both English and Indians, do labour under, *respecting sundry claims* made unto the land there :

This assembly do appoint, and do fully empower James Wadsworth, Esq; Mr. John Hooker, and Captain John Hall, or any two of them, to be a committee to endeavour a *final settlement* of the controversy respecting the land in said parish; and, if the said commissioners, upon hearing the pleas and arguments of the parties, shall be able to settle the whole matter by a *composition*, then such agreement shall be brought to this assembly in May next, for their confirmation, or otherwise as they shall see good :

But if, upon the endeavours of the committee, *no agreement can be gained from the parties, then the committee are to make a settlement of that whole affair*, and lay the same before this assembly as soon as may be, *for their confirmation*; and also, that no charge arise to the colony by this act.

A true copy of record.

Examined per George Wylls, secretary.

Report of the Committee.

Moheagan, February 22, A. D. 1720-21, at the house of Mr. Joseph Bradford. 283

At a meeting of the committee for the quartering and better settling the north parish in New London.

Present at said meeting, { James Wadsworth,
John Hall.

The committee proceeded to publish the act of the general assembly, authorizing them unto said service; and thereupon, pursuant to said act, the committee endeavoured an agreement among the claimers.

The committee, by the help of Capt. Robert Denison and Mr. Thomas Stanton, interpreters, acquainted the Indians, viz. Cæsar, Ben Uncas, and the rest of the Indians present, that that part of the Moheagan lands, distinguished by the name of *Peoffment or Eastern part*, shall be for ever settled to the Indians and to their benefit, to be under the regulations of a committee so long as there shall be any of the Moheagan Indians found, or known of alive in the world, only some *little* parcels thereof, viz. Mr. Hill's, and some other little pieces, upon consideration, shall be settled in their possession. And the Indians earnestly desire, that they may be restrained from parting, or any way selling the land, that shall now be settled upon them.

Cæsar and Ben Uncas demand of Mr. Jonathan Hill twelve pounds to be paid to them, and that then said Hill shall be quieted in his farm; Mr. Hill declareth, that he shall willingly comply therewith, provided that may be an end of the whole controversy, and that he may be quieted in his land. The said Cæsar and Ben Uncas declare, that they are greatly desirous of a *final* settlement of the controversy about their lands; and that they are free to part with some *little* pieces, upon consideration, because they think it may be for the peace; and that they don't want the land, and thereupon desire the committee to view those lands, that they may be described in the settlement to be made. 284.

Thursday, February 23d day, the committee went to view the said pieces of land, Ben Uncas going with them, with whom Cæsar left the matter, as he publicly declared yesterday to the committee: after the committee had viewed the lands, Cæsar and Ben Uncas came to a full agreement with Joshua Baker, that said Baker should give them the said Cæsar and Ben six pounds for the lands claimed by said Baker in the said *eastern* part, supposed to be about one hundred acres, being bounded as followeth; southerly by the town line unto the brook called Stony Brook, which brook bounds said land eastwardly, and northwardly by another brook that falleth into said Stony Brook, westwardly upon land now settled upon John Noble.

B b b

And

And the said Cæsar and Ben Uncas farther manifested their desire of accommodating all differences respecting the claims upon said eastern part, and tendered unto the committee that John Noble should have the land that he claimed in said eastern part, containing about _____, provided he would pay to them said Cæsar and Ben five pounds: and also that John Vibber should have the land that he claimed in said eastern part, provided he would pay to them said Cæsar and Ben Uncas ten shillings; said land containeth about five acres, and lyeth at the south-west corner of said eastern part: and forasmuch as said Noble and Vibber were not present, the said Cæsar and Ben Uncas desired the committee to treat with them said Noble and Vibber respecting the premises, and to inform them that they would abide by said tender: the committee having the assistance of Capt. Denison and Capt. Thomas Avery, interpreters.

285 Friday, February 24, the above-named Cæsar and Ben Uncas declared to the committee, that they had agreed with the before-named Noble for the above-named land, and that three pounds was the price to be paid to them; and that they had also agreed with said Vibber, and he was to pay them eight shillings; and thereupon said committee to confirm said agreements. And the said Indians, Cæsar and Ben, declared that Mr. Joseph Bradford and Mrs. Sarah Knight should and ought to have about *forty* acres of land, being forty rods in breadth, and lyeth most of it eastward of New London road, by New London line, upon the account of Colonel Livingston's rig't, and desired the committee to confirm the same: said land is hereafter, in the settlement of the eastern part, particularly bounded and described.

Cæsar and Ben Uncas declared to the committee, that they had agreed with Joshua Raymond for a parcel of land lying upon the south line of said eastern part, containing about sixty acres, being thus bounded; south upon New London line, northwardly by the place where the ancient fence stood, eastwardly by a small brook, westwardly by Stony Brook; price to be paid to said Cæsar and Ben Uncas twelve pounds; only it is to be understood that within this land Cæsar hath an orchard, and two acres of land where said orchard is, which is not passed over unto said Raymond.

286 Cæsar and Ben Uncas declared to the committee, that they had agreed with Stephen Maple for a parcel of land, being part of the said eastern part, being about *twenty acres*, as already bounded, beginning at a white oak tree, being the south-east corner, and from said tree, which is marked a north-west line, to the purchase line, west by the purchase line, the north-east corner is a marked white oak, which stoopeth toward the south-east, being bounded by the Indian land east and north-eastwardly. The land afore-mentioned, agreed to by the said Cæsar and Ben Uncas to be quieted to the said John Noble, containeth about forty acres, and is bounded south by the town line, eastwardly by the land now allowed to Joshua Baker, running a to point at the north end, and westward by the line of said eastern part.

Cæsar and Ben Uncas declared, that they had agreed with John Dickson and Charles Campbell for eight acres of land, being a parcel of said eastern part, and bounded west by the line of said part; the north-east corner is Stephen Maple's south-east corner, and from the said tree the line southwardly to the brook by John Baker's land, and then running westward by said brook to the said line of the said eastward part,

part, and south-eastwardly by the land now allowed to the said Maple; price four pounds, to be paid to Cæsar and Ben Uncas.

The committee having proposed to the sundry claimers of the land in the north parish in New London, that they come to an agreement respecting the claimers there, that thereby there may be a quiet settlement of the lands in said parish, and that the people there may be under circumstances to settle a gospel minister among them; upon which most of the principal claimers of land in said parish shewed a great willingness to come to an agreement respecting said claims, yet there appeared some that could not be prevailed with to come to an agreement.

Whereupon the committee, according to the power given to them by the general assembly, and at the desire of most of the claimers, as well English as Indians, proceeded to make a settlement of the land in said parish, as followeth:

First, The committee do approve of and confirm the several *country* grants, taken up and surveyed in the *western* part, or purchase part, of said Mohegan lands, viz. one farm taken up by the late honourable John Winthrop, Esq; and one farm taken up by the honourable Gurdon Saltonstall, Esq; which farms are already surveyed and bounded out, and recorded; and also one farm, containing *two hundred acres*, laid out to Mr. Caleb Watton, which now belongeth to Mr. George Hillman of Weatherfield; and also one farm belonging and being granted to the *school* in New London, containing *six hundred acres*, as already bounded out and recorded; and also part of the farms laid out to Mr. John Plumb and Mr. Jonathan Hill, which farms are part in the *eastern* and part in the *western* part of the Mohegan lands; the whole of which farms, containing *two hundred acres*, with all and every country grant, if there be any that have been granted, surveyed, and recorded, that do lie in said western part. All which farms or grants the committee do confirm unto the original grantees, or to such as do now justly hold under them, to be to them, their heirs and assigns, for ever. 287

Also the committee do allow of, and ratify and confirm, all the sales of lands made by Uncas or Oweneco, bearing date before the tenth day of May 1710, whereof the said Uncas or Oweneco hath given deeds for under hand and seal, and being acknowledged before lawful authority; and the lands granted by such deeds shall belong to the purchasers, or such as justly hold under them, to be to them, their heirs and assigns, for ever; and all the lands in said *western* part, not above settled, shall belong to Colonel Livingston, Capt. Robert Denison, Mr. Samuel Rogers, and James Harris, and to such as shall justly represent them, or hold under them; whereof two fifth parts shall belong to such as hold under, or justly hold under, or justly represent said Livingston; and one fifth part to such as justly hold under said Rogers; and one fifth part to such as justly hold under said Harris; and one fifth part to said Denison: always provided, and it is the true intent of the committee, the *five hundred acres* ordered by the assembly (and to be laid out in said *western* part) part whereof is for the first minister of the gospel that shall be settled in said parish, and part whereof is for the support of the ministry there; shall be laid out and improved for the use aforesaid; and also that nothing in the settlement shall be understood to disquiet or disturb any ancient settlements or possession in the *western* part. 288

All

All ancient possessions are saved to the possessors thereof; and where there are bounds kept up, or may be made evident by record or competent witnesses, no man, in such case, shall be obliged to submit to have lands measured, but shall hold his or their possessions according to such bounds; any thing to the contrary above entered notwithstanding. Neither shall the more general part of this settlement any ways be understood to prejudice the settlement of the school land, or other farms particularly mentioned or settled; and where there are two deeds, both executed according to law, for the same piece of land, the prior deed to take place, yet never to affect the title of the school land and farms, as above is expressed and limited.

289 The committee did not think it convenient to proceed and lay out the land ordered by the assembly to be laid out for the encouragement of the ministry in said parish; for that one half of said lands is to be for the first minister that shall be settled in said parish: and we do think it convenient, the place where the meeting-house is to be built in said parish be first settled, that thereby the land may be laid out as convenient as possible; and, upon enquiry of the people of said parish, we find they greatly differed in their thoughts about the said place; and they said they could not agree amongst themselves, and desire that a committee might be appointed by the assembly, to state the place for the setting up the meeting-house, which we recommend to this assembly.

And we think it needful to take care about laying out some highways and passages in said parish, by persons appointed by the assembly, or otherwise, as may be thought best; and the committee do once more recommend the enlargement of said parish, and the taxing of the lands there, for the support of the ministry.

Saturday, 25th February. And since the said Mohegan lands are described in this settlement, in the *eastern* and *western* parts, upon which, the committee think it necessary to describe the line that passeth between the two parts and divides them, beginning at two marked black oak trees, standing about one hundred yards from Stony Brook on the south side thereof, and from said trees a north line to Norwich bounds, which north line is already run and marked out.

And for the full, quiet, and ample settlement of the *eastern* part of said Mohegan lands, the committee do make the following settlement:

Imprimis, The committee do ratify and confirm unto John Vibber, his heirs and assigns for ever, a small part of the said eastern part, being about *five* acres, he said Vibber paying to Cæsar and Ben Uncas eight shillings.

The committee do ratify and confirm unto John Dickson and Charles Campbell *eight* acres, being parcel of said eastern part, to be to said Dixon and Campbell, their heirs and assigns for ever, they paying to said Cæsar and Ben Uncas *four* pounds.

290 The committee do ratify and confirm unto John Noble, his heirs and assigns for ever, about *seven* acres, being part of said eastern part, said Noble paying to Cæsar and Ben Uncas three pounds,

The committee do ratify and confirm unto Joshua Baker, and his heirs and assigns for ever, a parcel of lands in said eastern part, containing about *one hundred acres*, said Baker paying to said Cæsar and Ben Uncas six pounds.

The committee do ratify and confirm unto Stephen Maples, and his heirs and assigns for ever, a parcel of land, being part of said eastern part, containing about *twenty acres*, said Maples paying to said Cæsar and Ben Uncas six pounds.

The committee do ratify and confirm unto Joshua Raymond, his heirs and assigns for ever, a parcel of land, being part of said eastern part, containing about *fifty acres*, said Raymond paying to said Cæsar and Ben Uncas pounds; always to be understood that Cæsar's orchard, and the two acres of land there, all which are within the said ratified land to said Raymond, shall for ever belong to said Cæsar and his heirs, &c. as if not within said lands.

The committee do ratify and confirm unto the heirs of Mr. Charles Hill senior, deceased, a certain farm lying in said eastern part, containing *two hundred acres*, and is already bounded out and recorded; Mr. Jonathan Hill, who is heir to the principal part of said farm, and liveth upon it, paying to Cæsar and Ben Uncas twelve pounds.

The committee do ratify and confirm to Mr. John Plumb, and his heirs and assigns for ever, a parcel of land, being part of said eastern part, containing about *thirty acres*, being part of a country grant, the bigger part whereof lieth in the western part.

The committee do ratify and confirm unto Mr. Jonathan Hill, his heirs and assigns 291
for ever, a parcel of land, being part of said eastern part, containing about *forty acres*, being parcel of a country grant, the bigger part whereof lieth in the western part; the molt of which parcel of land lying in the eastern part, being now settled by the committee, are heretofore particularly described and bounded in the entry of the committee; and the bounds of said lands, settled on the heirs of Charles Hill, and upon John Plumb, and Jonathan Hill, are to be seen in the record of said land, they being country grants.

The committee do ratify and confirm unto Mr. Joseph Bradford, and to Mrs. Sarah Knight, to their heirs and assigns for ever, containing about *forty acres*, being bounded, beginning at the cove at the north end of Charles Whiting's farm, and so to run westward forty rods from said Whiting's fence, and from thence to run southward to New London town line against said Whiting's orchard, keeping the same distance north to said line, running westward until it come to the first brook westward of the road leading to New London: but nothing in this settlement shall be understood to prejudice the said road or highway; always to be understood, and it is hereby provided, that said Bradford and Knight, or any person under them, shall not disturb Jonathan Morgan in his improvements of the land herein settled to them said Bradford and Knight, during the term that said land is leased by the committee 292
to said Morgan; and the same liberty and improvement is saved for lands of Raymond and James Brown in the land hired by them of the committee; and the settlement
C c c of

of the same land now to Joshua Raymond and to Joshua Baker, or to either of them, shall not be to prejudice said Sands and Brown during the time of their lease : and as to the *rest* of the said *eastern* part of the Mohegan lands, not now already disposed of by the committee, the committee do now determine and conclude, *shall for ever* belong to the Mohegan Indians, from time to time, and from generation to generation for ever, so long as there shall be any of the Mohegan Indians found, or known of alive : and when the whole nation, or stock of said Indians are extinct, and none of them to be found, *and never before*, the said eastern part, which is now settled upon the Indians, shall for *ever* belong to the town of New-London, as their full, free, and indefeasible estate in fee ; always to be understood, and it is so concluded and determined by the committee, that the Mohegan Indians, their Sachems, nor any of them, shall not sell or lease any of their lands above settled to them, but the said lands *shall be under the regulation of a committee* appointed, or to be appointed, by the general assembly : neither shall any person enter upon said lands, under the Indians, to the prejudice of the town of New-London ; that is to say, contrary to, or in opposition to, the reversion right above allowed to said town of New-London. And it is further provided, that if it shall so happen at any time that the said Indians and all of them be gone, and not known of, supposed to be extinct, then the said town may enter upon said land, and improve the same ; *but if after such entry, any of the said nation do come, and shall desire entry into said land, the same shall be allowed them, and such Indian or Indians shall hold said lands, as in and by this settlement is expressed.*

JAMES WADSWORTH;
JOHN HALL.

Copy of Act of Assembly.

At the general assembly in Hartford, May 11, 1721.

Whereas Capt. James Wadsworth, assistant, and Capt. John Hall, justice of the peace, were empowered, by an act of this court, holden at Newhaven in October last, for the quieting and better settling the north parish in New London, and pursuant of that act have attended that service, and have at this time laid before this assembly their report, containing several conclusions, and determinations, and orders, principally concerning lines of bounds, and claims of land by English and Indians, within the bounds of said parish ; this assembly having heard and considered the said report, in all the parts and branches of it, do hereby *approve, and ratify, and confirm the same*, and ordain that it shall be holden *good and effectual* in the law, for the quieting and establishing all persons and parties mentioned therein, according to their respective interests therein stated and settled, and that the orders contained therein be duly executed. And this assembly do hereby further order, that the said Capt. Wadsworth and Capt. Hall do, as soon as conveniently they can, proceed to lay out the said *five hundred* acres of land for the first minister and the ministry of the said parish, and to appoint a place for the meeting-house therein ; as also to report to this court where the line, for the enlargement of the said parish, may most suitably run. And this assembly do further order, that the said report, with the ratification

hus annexed, shall be entered by the secretary in the book of the registers of the surveys and settlements made by order of this court; and that a copy of the same, or any part thereof, under the secretary's hand, shall be sufficient evidence in any court, and before any authority.

A true copy of the original on file, entered May 27, 1721,
Per Hezekiah Wyllys, secretary.

A true copy of record.

Examined per George Wyllys, secretary.

Copy of Act of Assembly.

At a general assembly holden at Newhaven on the 10th day of October, anno 295
Domini 1723.

Upon the petition of Capt. John Mafon of Stonington, this court, in consideration of the respect justly due to the name of his ancestors, and of the great trust the Moheagan Indians have had in them, as they have known in him, who has a great acquaintance with their language and manners, and may, in that respect as well as others, be of great use and service in endeavouring both to civilize, and christianize, as well to preserve them quiet in the enjoyment of those lands, which, pursuant to the acts and orders of this court, are settled upon the said Indians, and established for their use for ever, which lands are being and lying in the township of New-London at Moheagan, do thereupon grant and allow that the said Capt. Mafon, by and with the consent and good-liking of said Indians, take up his residence and habitation among them, and shall have liberty to improve any part of the said land in building, ploughing, and pasturing, provided the said Indians are freely willing and consenting to his so doing; and the care of the said Indians to protect them from wrongs, to set up a school among them, and acquaint them in the christian religion, is hereby recommended to him.

A true copy of record.

Test. George Wyllys, secretary.

Bert

Ben Uncas, &c. release, February 28th 1737-8.

To all people to whom these presents shall come, Ben Uncas, Sachem of the Mohegan Indians, and Joshua Uncas, Jo Pie, Honest John, Harry, Simon, Little George, Quaucus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Samuel Pie, Tootoo, Wootefin, Andrew, Tantapan, John Wompanag, Abraham Choychoy, of Mohegan, being Indians of the Mohegan tribe in the colony of Connecticut, sendeth greeting :

Whereas Uncas, late Sachem of the Mohegan nation, on the 28th day of September, in the year of Christ 1640, did grant unto the governor and magistrates of the English people on Connecticut, all his lands whatsoever (his planting lands only excepted) to them the said governor and magistrates, *to settle into plantations or otherwise, as it should seem good to them.*

And whereas the said Uncas, Sachem, in the year of Christ 1681, did renew his league of friendship with the governor and company of the English colony of Connecticut in New-England, in America, and therein did acquit and resign up all his lands and territories, for himself, his heirs and successors, to the said governor and company, to be by them disposed of into plantations, villages, and farms, as the said general court in said colony should grant, he the said Uncas always to receive *such reasonable satisfaction for his property* therein as he and the settlers should agree.

And whereas the said governor and company, according to said grant from Uncas and agreement with him, have granted and patented out said lands into townships, villages, and farms, to sundry English people planted and settled on the same.

And whereas the said English people, to whom the said lands have been granted and patented as aforesaid, from said governor and company, have duly paid to said Uncas or his successors, Sachems of Mohegan, a reasonable price for said land, according to said agreement,

Now therefore, know ye, that for and in consideration thereof, and for and in consideration that the settlers on said lands have now paid unto us the sum of fifty pounds, and for other causes and considerations us herunto moving, we, the said Ben Uncas, Sachem, and Joshua Uncas, Jo Pie, Honest John, Harry, Simon, Choychoy, Little George, Quaucus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Sam Pie, Tootoo, Wootefin, Andrew, Tantapan, John Wompanag, Abraham Choychoy, Mohegan Indians in the colony of Connecticut, do hereby declare that the said governor and company have hitherto duly and fully kept and performed their covenant and agreement with the Sachem and nation of the Mohegan Indians; and that all and every English person or persons whomsoever, to whom the said general court in said colony have granted and patented said lands, or any part thereof, their heirs and assigns, to whom such lands are now descended or accrued under such grants or patents, have a good right and title to said lands : to have and to hold the

same, to them and their heirs for ever, from and against us or either of us, or any person or persons claiming from, by, or under us, as the said lands are bounded in such grants or patents, or otherwise more particularly bounded out in severalty on the records of the respective towns in which such lands lie.

And we do hereby, for ourselves, our heirs and successors, fully, freely, and absolutely remit, release, and for ever quit-claim, all the right, title, interest, and estate that we, or any one of us, now have, or might, ought, or could have, to the said lands, and every part thereof, to all and every person or persons respectively to whom said lands, or any part thereof have been granted or patented as aforesaid, or to their heirs or assigns, to whom such lands are now descended or accrued from and under such grants and patents: to have and to hold the same respectively to them and their heirs and assigns for ever, as the said lands are bounded in such grants or patents, or more particularly bounded in severalty on the records of the towns respectively in which said lands lie, without let, suit, claim, hindrance, or molestation from, by, or under us, or any person or persons claiming from, by, or under us.

298

And whereas of late one Mahomet, late of Niantick, at the instigation of Captain John Mafon, late of New-London, hath pretended himself to be the Sachem of the Moheagan tribe of Indians, and as such hath presented an address to his present majesty George the Second, king of Great-Britain, &c. therein complaining to the king, that the said governor and company have broken their leagues with the Moheagan Sachem and nation, and have unjustly taken away their lands, contrary to their covenants; upon which complaint his majesty has been prevailed upon to grant his commission to the governor and council of the colony of New-York, and to the governor and council of the colony of Rhode-Island, or to any five of them to hear and determine said cause.

And sofarasmuch as it is most evidently known unto us, that the said Mahomet was not the Sachem of the Moheagan nation, and that he with Captain Mafon went with that complaint to the king without ever consulting us, and contrary to our minds, and that said complaint contains matter most untrue; and as we acknowledge and declare we have no desire or right to take any benefit thereby, we do hereby, for ourselves, our heirs and successors, wave, disclaim, and remove said complaint, and all processes, trials, and judgments to be had, made, moved, or given by or before the said commissioners commissioned to hear and determine any causes, complaints, or controversies thereupon.

And we do hereby, for ourselves our heirs, and successors, freely and absolutely acquit, discharge, and for ever release the said governor and company, and all other person and persons, from a judgment given by Joseph Dudley, Esq; and other commissioners at their court of enquiry holden at Stonington in August 1705, and from all other claims, actions, causes of actions, processes, judgments, costs, dues, and demands whatsoever, that have hitherto happened, been, had, made, moved, given, and done between the Sachem of Moheagan, or the Sachem and tribe of Moheagan, and the said

229

D d d

governor

governor and company, or any other person or persons whatsoever, about or concerning said lands. Sealed with our seals, dated in Colchester, February 28th anno. Dom. 1737-8.

Signed, sealed, and delivered
in the presence of us

John Bulkley,
Charles Bulkley.

Ben Uncas \triangle his mark. (L. S.)
Joshua Uncas \otimes his mark. (L. S.)
Honest John \otimes his mark. (L. S.)
Jo Pie \otimes his mark. (L. S.)
Harry \otimes his mark. (L. S.)
Simon Choychoy. (L. S.)
Little George \otimes his mark. (L. S.)
Quaucus \otimes his mark. (L. S.)
Caleb \otimes his mark. (L. S.)
Pechees \otimes his mark. (L. S.)
Ephraim Johnson \otimes his mark. (L. S.)
Noah Choychoy \otimes his mark. (L. S.)
Samuel Pie \otimes his mark. (L. S.)
Tootoo \otimes his mark. (L. S.)
Wooteffin \otimes his mark. (L. S.)
Andrew Tantapan \otimes his mark. (L. S.)
John Wompeneag \otimes his mark. (L. S.)
Abraham Choychoy \otimes his mark. (L. S.)

In Colchester, February 28th, anno. Dom. 1737-8.

Then appeared Ben Uncas, Sachem, Joshua Uncas, Honest John, Jo Pie, Harry, Simon Choychoy, Little George, Quaucus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Sam Pie, Tootoo, Wooteffin, Andrew Tantapan, and John Wompeneag, and acknowledged the foregoing instrument to be their free act and deed.

Coram Roger Woolcot, assistant.

In Colchester, February 28th, anno. Dom. 1737-8.

300

Mr. John Avery being sworn before me Roger Woolcot, assistant, to interpret the instrument written on this sheet to Ben Uncas, Sachem, Joshua Uncas, Honest John, Jo Pie, Harry, Simon Choychoy, Little George, Quaucus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Sam Pie, Tootoo, Wooteffin, Andrew Tantapan, John Wompeneag, declared upon oath, that he had made them understand the same, and that each of them declared the same was their free act and deed.

Corum Roger Woolcot, assistant,

In Norwich, March 1st, anno. Dom. 1737-8.

Appeared Abraham Choychoy, and acknowledged the foregoing instrument to be his free act and deed.

Coram Roger Woolcot, assistant.

In Norwich, March 1st 1737-8.

Mr. Samuel Avery, interpreter, being sworn before me, Roger Woolcot, assistant, declared upon oath, that he made Abraham Choychoy understand the instrument written on this sheet.

Coram Roger Woolcot, assistant.

This instrument entered at large on the records of the colony of Connecticut, book no. 4, fol. 4, 5, 6, for the patents, deeds, and surveys of land, May 18th 1738.

Per George Wyllys, secretary.

Captain John Mafon's deed to Pitkin, &c. January 2d 1710-11.

301

To all people to whom these presents shall come, John Mafon of Stonington, in the county of New-London, in her majesty's colony of Connecticut, gentleman, sendeth greeting:

Know ye, that for and in consideration of the sum of two hundred pounds to me in hand paid, and for other good causes and considerations me thereunto moving, and especially being desirous to put an end to the great controversies and contentions about the lands conveyed and given to my grand-father, the honourable John Mafon, of the colony aforesaid, Esq; by a deed, bearing date at Moheagan on the fifteenth of August one thousand six hundred and fifty-nine, made by Uncas, Sachem of Moheagan, and Wawequa, brother to said Uncas, or by any other deed, instrument, or conveyance from said Uncas or Oweneco, or from Attawanhood, alias Joshua, Sachem, since made or given to my grand-father or to myself; I the said John Mafon of Stonington, do, by these presents, give, grant, bargain, sell, enfeoff, release, and confirm unto William Pitkin, Esq; Mr. Timothy Woodbridge, William Whiting, Mr. Joseph Talcot, all of Hartford, and to Mr. Samuel Whiting of Windham, to Mr. Joseph Bradford of Lebanon, and to Mr. John Elliot of Windsor, *all* my estate, right, title, interest, claim, and demand whatsoever, to and in the whole tract or tracts or parcels of land lying and being within the land and territories formerly belonging to *Uncas*, late Sachem of Moheagan, or to Joshua, or Oweneco, son of said Uncas, as these bounds are set forth and described by the honourable Robert Treat of Milford,

302

and the worshipful Major John Talcot of Hartford, in said colony of Connecticut, being thereunto *appointed* by the governor and company of said colony; which bounds were in their report returned under their hands unto said governor and company in general court assembled at Hartford in May anno. Dom. 1684, and by said court ordered to be entered in the public record of said colony, excepting and reserving certain parcels and quantities of land which I have excepted and reserved in certain deeds or instruments of release and quit-claim, bearing the same date with these presents made to the proprietors of the towns of *Norwich*, *Lyme*, and *Colchester*: and I do hereby except five hundred acres in or near the town of *Windham*, at a place called *Wango-leag*; also *two hundred* acres within the township of *Plainfield*; also except all my land, tenements, hereditaments, rights, privileges, claims, and demands whatsoever, that I have or ought to have within the township of *Lebanon*, within the five miles as settled by the general court, or within that part called the *Mason's mile*: to have and to hold the above-granted and mentioned premises, except that which is excepted, together with all and singular the profits, privileges, and immunities, and every their appurtenances, to them the said William Pitkin, Timothy Woodbridge, Joseph Talcot, Samuel Whiting, Joseph Bradford, and John Eliott, their heirs and assigns respectively, to their own proper use and behoof, for ever, and in part according to their best discretion, to such other uses as they shall advance to promote the good issues of any controversies respecting the above-granted and mentioned premises. And the said John Mason, doth by these presents, for himself, his heirs, executors, and administrators, covenant and promise to and with the above-named grantees, their heirs, executors, administrators and assigns, that he and they shall and will, within one year after the date of these presents, deliver to one or more of the said grantees all the writings, papers and instruments, that shew, set forth, and concern the above-granted premises, and will also give any further assurance thereof, as by skilful persons in the law shall be judged necessary or convenient for the advantage of the grantees, according to the true intent and meaning of the premises; also except *three hundred* acres within the bounds of *Haddam*, and also the land that lyeth between the south west of *Lebanon*, south west bounds of the five miles, and the north-east bounds of *Colchester*. In witness whereof I have hereunto put my hand and seal this second day of January seventeen hundred ten or eleven.

303

Signed, sealed, and delivered
in the presence of us

JOHN MASON. (L. S.)

Edward Colver,
Israel Everett,
Hezekiah Colver.

The above-named John Mason personally appeared in Lebanon, on the 2d day of January 1710, and acknowledged this instrument to be his free act and deed before me,

William Clark, justice of peace.

Major

Major Ben Uncas, his election and instalment of Sachem.

304

At a meeting of the Moheagan Indians, June 13th 1723.

They then unanimously made choice of Ben Uncas, the only surviving son of Uncas, late Sachem of Moheagan, to be their Sachem; and after his decease his sons, Ben, Pompey, Joshua, John, and Samuel, should successively be their Sachems, and no other persons to bear rule over them so long as any of their *male heirs* be left alive.

After this the Indians made application to the honourable the governor, that they might convene together for the attainment of the aforesaid end; pursuant thereto they appointed Wednesday the 28th of August, at which time we the subscribers hereunto were, by a special order from the governor, directed to appear at that meeting, and at some fitting time communicate to the Indians *an order* of his honour and council, dated at Hartford the 19th instant, to publish the act unto them, wherein was manifest the *concurrence* of this government to the instalment of said Major Ben Uncas, to be Sachem of the said Moheagan Indians.

On Thursday the twenty-ninth we went to the place prepared for their public meeting; and by Captain Thomas Avery, an interpreter, and declared to them the said order of the governor and council.

Further we added, That the government would justly expect from them that their love and friendship to the English should hereafter be manifested on all occasions; the Indians were seemingly well pleased, and very thankful for the care that was taken of them.

On Saturday the 31st, we being present, Ben made choice of fifteen councillors, Moheags and Nianticks, viz. of Moheagan, Apaux, Chohegun, Wampaneag, Manahawon Johnson, Moheag James, Peter Moheag, Wamuscum, Georgoy, Tantequegon.—Nianticks, Amanfeen, Pacacul, Wawompehant, Wanshanpaug, Annough-toa.—After this matter was finished, Ben Uncas demanded audience, then proceeded and said to this purpose:

Forasmuch as the Indians had some time before made choice of him for their Sachem before Captain John Mañon, viz. on the 13th of June last, and that that power might continue in the male heirs of his family, so now it was his advice, together with the council and body of the Indians, that the said Captain Mañon and his heirs should have a special care of them, and the management of their affairs from time to time hereafter, as his ancestors had always had heretofore.

305

On Tuesday the 3d of September, after their rejoicings and dancings were ended, the Indians proceeded to make their presents to the Sachem, each body of Indians by themselves,

E e e

themselves, one at a time, entering the wigwam with a song, and a concert of voices attending.

Then, pursuant to our instructions from the governor, we took special care to discover any strange Indians that might be invited thither upon this festival, but found none.

At last, we demanded how many men and women were in the dances? answer, about one hundred and seventy: then, what there might be in the whole? answer, about four hundred men and women.

How many Moheags are run away unto the Mohawks? answer, eight have been gone about five years, whose names we entered down.

What Moheags were abroad when the mischief was done by the Indians at Northfield and Rutland? answer, four (whose names we took) were at Seantick eleven days before that mischief was done, and three at long meadow, Springfield.

After a short harangue, proper on such an occasion, the Moheags, Pequots, Nianticks, Shoutucketts, and Hartford Indians being present, we advised them to be faithful and just to the English, *strongly cautioned them not to pass the bounds set them by the governor and council on their fields*, that they forthwith called home all their men, and give no occasion of complaint, and that they cultivated a good understanding among themselves, advising Ben Uncas to govern with moderation.

Finally, they desired that their ancient amity might be continued with this government; and then added, they should be ready to assist us against the common enemy: all which is humbly submitted to your honour, by, Sir,

Moheagan, September 4th 1723.

Your humble servants,

To the honourable Gurdon Saltonstall, Esq; governor.

WILLIAM WHITING,
JOHN MASON.

In compliance with the order of the honourable the governor, we gave our attendance at Moheagan in the time of their general convention seven days, and in making our report.

WILLIAM WHITING.
JOHN MASON.

Copy of act of assembly.

306

At a general assembly held at New-Haven, October 10th 1723.

The governor having informed this assembly, that the Indians at Moheagan in New-London having lost by death their late Sachem *Cæsar*, have lately, by and with the knowledge or consent of himself and council, proceeded to make choice of *Ben Uncas*, only surviving son of *Uncas*, Sachem, deceased, to be Sachem.

The assembly do ratify and confirm the said choice, and establish the said *Ben Uncas* to be Sachem of said Indians.

A true copy of record.

Examined per George Wyllys, secretary.

E V I D E N C E.

307

The testimony of Samuel Leffingwell jun. of Norwich, yeoman, aged about 46 years, who testifieth and saith,

That he well remembers that Oweneco was reputed to be the chief Sachem of the tribe of the Moheagan Indians, and that *Cæsar*, the reputed son of Oweneco, was reputed to be the chief Sachem of said Moheagan Indians after the death of said Oweneco, and that said *Cæsar* was reputed to be Sachem till his death; and that after the death of said *Cæsar* one Major Ben Uncas was reputed to be chief Sachem of said Moheagan Indians till his death; and some time after the death of the said Major Ben Uncas, I heard the Moheagan Indians were about to make or crown another Sachem, and I went to the Moheagan Indians, at the Moheagan land, while the said Indians were together, and I asked some of the Moheagan Indians, who they had made Sachem? and they told me Ben Uncas; and I asked where he was? and they told me; and I went to the wigwam where I found Ben Uncas, the same Ben Uncas here in court, and I asked him if they had made him king? and he said yes, and he treated me with rum or cyder; and I understood, by the general consent of the said Moheagan Indians, that they had made this present Ben Uncas chief Sachem of Moheagan.

And I further say, this present Ben Uncas hath been reputed chief Sachem ever since, which is (as I think) about seven or eight years last past: and this deponent further says, that the said Major Ben Uncas was the reputed son of old Uncas, and brother of said Oweneco, and that this present Ben Uncas is the reputed son of Major Ben Uncas: and

and further this deponent says, that there never was any other Sachem in Moheagan, within his memory, that he ever heard of ; but I heard, when Mahomet was in England, that some of the Indians were about to set up Anne, the daughter of Cæsar, to be Sunkee Squaw.

SAM. LEFFINGWELL junior.

308

Upon interrogation the deponent further says, that Captain John Mafon and his wife and Mahomet were present among the Moheagans when he was there, and Mahomet was blacked, and in the dance.

SAM. LEFFINGWELL junior.

The testimony of Jeremiah Chapman jun. of New-London, in the county of New-London and colony of Connecticut, of lawful age, is as follows, viz.

That about seven or eight years past (to the best of my remembrance) being in said New-London, and hearing the rumours that the Moheagan Indians were about to elect or install their Sachem, my curiosity led me to go and see the ceremony performed ; accordingly I went to the place called Moheagan, where I beheld a considerable number of Indians assembled, and understood, by many of them, that they had made Ben Uncas their king, which is the same Ben Uncas now in court ; and the Indians were at that time rejoicing and dancing, as I understood, in celebration of said election or installment ; and did not at that time understand but that those of said Indians, who were then present, were all agreed in said choice or installment ; and further this deponent saith not.

JEREMIAH CHAPMAN junior.

Upon interrogation the questions were put by Mr. Shirley.

Quest. 1. Whether there were not Niantick Indians there ?

Ans. The deponent, said he believed there were.

Quest. 2. Were there not more Indians there than the electors ?

Ans. I believe there were.

Quest. 3. by Mr. Read. Whether Ben Uncas has not been the reputed Sachem ?

Ans. Yes, he has been generally reputed to be Sachem till this time.

Quest. 4. Whether the Nianticks did not dance in the ring ?

Ans. I think they did, at least one or two.

JEREMIAH CHAPMAN junior.

The

The testimony of Eliphalet Adams of New-London, clerk, aged sixty-one and upwards: 309

That I the said deponent, about the time of the late Captain John Mason's going to England with his complaint, did, on March first one thousand seven hundred and thirty-six, go up to Moheagan at the direction of the honourable Adam Winthrop, Esq; of Boston, treasurer of the honourable commissioners to the Indian affairs, to make some enquiry into his past conduct, and know the sense of his present undertaking, that I might be able to send back an answer thereof, as was desired.

That having sent up word beforehand, to get as many of the tribe together as possible, and eleven of the principal of them being there met, being most of them, if not all, that was then at home, I found them exceedingly irritated with the said Captain Mason's attempt.

Among other thing they said, that if what the said Captain Mason was now about was designed for their good, it was very strange that he should not consult with them about it, which he had never done in the least; they looked upon it that he had forsaken them, and that what he was now about was more against them than for them; wherefore they joined with their king, and would have no more to do with him.

They all said, they were very well content with their present Sachem, viz. Ben Uncas; that they desired, and should own, no other; and that they wondered that Captain Mason should carry another with him to England, whom they supposed they meant to set up to be their Sachem.

They added, that whosoever was put into the school which the said Captain Mason had before time kept, they desired it might not be one whose name was Mason.

ELIPHALET ADAMS.

The deponent further says, that Cæsar, Major Ben, and the present Ben Uncas, have been successively reputed Sachems of the Moheagan Indians, to the best of his knowledge, after the death of Oweneco, till this time; but what time intervened between the successive election of said Sachems he cannot tell. 310

ELIPHALET ADAMS.

The testimony of Samuel Lessingwell of Norwich, yeoman, of forty-seven years of age, is as follows:

That I well knew Oweneco, Sachem of the Moheagan Indians, and that after his death Cæsar, the son of Oweneco, was Sachem of the said tribe, and after his death Major Ben Uncas, the brother of Oweneco, was made Sachem, and that after the death of said Major Ben, Ben Uncas, who is now surviving, was made Sachem.

These facts I *understood* by the constant report of Englishmen and the Indians of said tribe; and I know that the said Oweneco, Cæsar, Major Ben Uncas, and the now living Ben Uncas, his son, have always successively been owned and acknowledged by the Moheagan tribe as their Sachems; and I never heard of any uneasiness, contradiction, or dispute about their right to be Sachem, till about the time of Captain Mafon's going to England, which was long since Ben Uncas, the present Sachem, was owned and reputed Sachem.

I further say, that I knew Mahomet, the son of Oweneco, *who died before his father* at Shoutuckott, who never was reputed to be Sachem, but it was commonly said that Oweneco had settled him at Shoutuckott.

I further say, that I very well know and am acquainted with the Moheagan tribe of Indians, and have been acquainted with the several Sachems above-mentioned, and I know and am acquainted with old John Uncas, but I have never heard he claimed any right to be Sachem, nor that the Indians looked upon him as such, but they have looked upon him as a disturber of their peace and quiet; and the deponent further saith not.

SAM. LEFFINGWELL.

311 The deposition of *John Richards* of New-London, in the county of New-London, aged forty-six years, is as follows:

That I have always lived in the town of New-London, and had good knowledge of the Moheagan Sachems and Indians, from time to time, from my childhood up to this day. I very well remember Oweneco, who was first Sachem that I knew, and the next that succeeded him was Cæsar, his reputed youngest son, and the next that succeeded him was Major Ben Uncas, and now the present Ben Uncas; all the before-mentioned Sachems were universally received as Sachems amongst all people, and one as well another; I never heard the people, either the English or Indians, made any difference in their acceptance of either of them as Sachem, in each of their days.

But as to John Uncas, his being Sachem, I never heard one man, either English or Indian persons, give him that title, or so much as lip that he ought or that he pretended to be Sachem until the sessions of this court: I know Captain John Mafon, deceased, acknowledged the present Ben Uncas to be Sachem of the Moheagan tribe; and his heirs at this day have and hold by a lease, which said Mafon, deceased, took in his life-time under Ben Uncas the present Sachem, I suppose, more than a thousand acres of the Moheagan sequestered lands as it is called: and the said Mafon in his life-time paid the said Ben Uncas rent and his family have since his death; which lease I suppose is not yet expired: the reason how I come to know this, that I suppose about six years hence that this Sachem, Ben Uncas, came to the general assembly of the colony of Connecticut, and informed them
312 that some people had or were about to make incroachments upon his land, and that others lived thereon and had no leases, and some paid no rent; and lest he should be imposed upon in some way or other, desired the general assembly to appoint certain persons
which

which the said Sachem named to them, to take care that he might not be wronged in his leases or rents, &c. one of which persons I was, and thereby came to my knowledge of these things.

As to the paper delivered into court, dated at Moheagan August 2d 1737, to which I am, among others, a witness, I very well remember I was present at the recognition of those Indians to Ben Uncas as their Sachem; and that matter seemed to be done with the utmost freedom, and that some of the Indians present that could talk English well informed me, that they well understood what it did contain, and that they had made the rest well understand it, and that they were free in signing: the most of them signed it with their own hands, and so ne few of them that were absent their next friend signed for them, I suppose about six or seven.

JOHN RICHARDS.

The testimony of John Curtiss of New-London, aged about thirty-four years, is as follows: 313

I, at the instance of John Richards, Esq; accompanied him from New-London to Moheagan on the day when the Indians there subscribed the instrument now exhibited in this court, dated August 2d 1737, at which time, being present at Ben Uncas's wigwam with others whose names are set to the aforesaid instrument as witness, a considerable number of Indians met together in said wigwam, whose names are subscribed to the instrument aforesaid, either by themselves or at their desire; and some that were absent, at the special request of their near friends: and having to our assistance Samuel Avery the interpreter, did by him communicate the contents of a certain letter sent by his honour, the governor of this colony, the import of which was, to the best of my remembrance, a narrative of what the governor had done in making enquiry after the truth of certain rumours of hostilities designed by some eastern Indians against the Moheagan tribe, pursuant to their application to the governor as I understood; also an answer to their request in their aforesaid application to his honour the governor, that the ancient amity and friendship might be subsisted between them and the colony, and that they might have their further protection, unto which the governor returned a gracious answer, and advised them to peace and unity among themselves: upon hearing of which letter read, and interpreted with much deliberation, they were desirous to comply with the advice aforesaid, and to testify it in the manner in which it now appears, which was well understood by them all, to the best of my apprehension, and with great cheerfulness and readiness subscribed and ordered, as in the superscription aforesaid is represented: furthermore, as to the pretensions of the claimers to the Sachemship of the said tribe, Ben Uncas has been commonly reputed the Sachem, and I never heard of John Uncas's claim, or name in that matter, until now advanced in this court.

314

JOHN CURTISS.

Upon

Upon interrogation the deponent further saith, that to the best of his remembrance there werenot above eight persons whose names were signed by their friends in their absence.

JOHN CURTISS.

Sworn in the court of commissioners at Norwich, May 29th, and cross examined May 30th 1738.

315 The testimony of *John Prentis* of New-London, in the county of New-London, and *Nathaniel Green* of Boston, in the county of Suffolk, both of lawful age, follows in these words :

That some years past, to the best of our remembrance about seven or eight years, being led by our curiosity, upon the rumour of the tribe of the Moheagan Indians were about to elect or instat their Sachem, to see the ceremony thereof, was present at Mohehagan, when and where we observed a considerable number of Indians assembled, we asked the occasion of such concourse of Indians ; the Indians informed us that they had made Ben Uncas their king, being the same Ben now appearing in court, and that they were rejoicing and dancing in celebration thereof, as they said : and we the declarators further say and testify, that being present at the place aforesaid on the day then next we beheld the number continued, and that the Indians blacked themselves, and in that habit or colour appeared greatly rejoicing, and declared again that it was upon the occasion aforesaid, viz, because they had made Ben Uncas their king ; at which time and place we, to the best of our observation and remembrance, beheld Youmaman, alias Mahomet, present and active in the rejoicing as aforesaid, and heard no objection against Ben Uncas being made king.

JOHN PRENTIS,
NATHANIEL GREEN.

The deposition of *Lancaster Gorton* of Norwich, and of about twenty-eight years of age, is as follows, viz.

316 That about seven or eight years ago I the deponent was at Moheagan at the time when the present Sachem Ben Uncas is reputed to have been made Sachem of the Moheagans ; and there I observed to be present a great number, being, as I believe, two or three hundreds of Indians ; when and where also present several hundreds of English ; and it was the general say of all, that they were then about to make Ben Uncas, who is the present Ben Uncas, Sachem of the Moheags ; and I then observed remarkable and great signs of rejoicing, by dancing and other expressions of joy, many of them bearing green boughs and branches of green trees ; but I coming away before the solemnity was all over, I left the said concourse of Indians, together with many English spectators,

at the place above said ; since which time the said Ben Uncas has been commonly reputed to be the Sachem of the Moheags.

LANCASTER GORTON.

Upon interrogation the deponent saith, that he believes there were several of the *Niantick* Indians there, and others besides the Moheagans, to the number of about *one hundred*, who did not in their actions distinguish themselves from the Moheagans, but seemed *to join with them* ; but as to his knowledge of them he could not distinguish one sort of Indians from another.

LANCASTER GORTON.

Jonathan Wickwire of Norwich, yeoman, of forty-eight years of age, testifies,

That about thirty-five or forty years ago, I well remember that Oweneco was Sachem of the Moheagan's tribe of Indians, and was by the said Indians during his life owned and acknowledged as their Sachem ; and presently after the death of Oweneco, Cæsar, the only son of Oweneco *then surviving*, was made Sachem ; and I was there present at the time when he was invested with the Sachemship with much pomp, expressions of joy, and by universal consent of all the Moheagan Indians, and others of the neighbouring Indians, to the number (as near as I can guess) of five hundred or thereabouts ; and that the said Cæsar was, during his life, owned and acknowledged as their Sachem, without any contradiction or denial as I ever knew or heard of : and I further say, that Cæsar died and left only one child, which is now the reputed wife of Ben Uncas junior, the grandson of Ben Uncas, the brother of Oweneco ; that some time after the death of Cæsar, old Ben Uncas, commonly called Major Ben, who was youngest and only surviving brother to Oweneco, was, as I then and many times after understood, both by the English and Indians, was made Sachem, and continued so to his death, and I never heard of any uneasiness in the Moheagan Indians upon this account ; after whom succeeded in the Sachemship Ben Uncas, oldest son of the aforesaid Major Ben, who is now living ; and I never knew that there was any uneasiness in any of the Moheagan tribe of Indians, respecting his being the Sachem, till about the time that Captain Mafon went to England, or since : and I further say, that I remember Mahomet, the son of Oweneco, and that he died *before his father Oweneco* : and I further say I have, from a child of about two years old, been acquainted with the Moheagan Indians, and lived among them : I further say, that I know old John Uncas, who the Indians looked upon as a troublesome fellow ; and I never heard that he pretended to be Sachem, or a word spoken by him or any of the tribe that he had any right thereto. And the deponent further saith not.

JONATHAN WICKWIRE.

Upon interrogation the deponent further saith, that Mazonc, a Niantick Indian, who married Uncas's daughter, was present at the installing of Cæsar, and sat and talked with the principal heads of the Moheagans ; and that Oweneco died, according to the best of his remembrance, about twenty-six years ago.

JONATHAN WICKWIRE.

G g g

Ben

Ben Uncas his indenture, 14th November 1734.

This indenture witnesseth, that Benjamin Uncas junior, son of Benjamin Uncas, Sachem of the Moheagan Indians in Connecticut, of his own free-will and accord, and with the consent of his said father, and also with the consent of the honourable commissioners of the Indians affairs, doth put and bind himself to be an apprentice unto Thomas Russel of Sherburn, in the county of Middlesex, *cordwainer*, to learn his art, trade, or mystery, and with him the said Thomas Russel, after the manner of an apprentice, to dwell and serve, from the day of the date hereof, for and during the full and just term of three years and about three months next ensuing and fully to be complete and ended; during all which said term the said apprentice his said master honestly and faithfully shall serve, his secrets keep close, his lawful and reasonable commands every where gladly do and perform; damage to his said master he shall not wilfully do, his master's goods shall not waste, embezzle, purloin, or lend unto others, nor suffer the same to be wasted or purloined, but to his power shall forthwith discover and make known the same unto his said master; taverns nor alehouses he shall not frequent; at cards, dice, or any other unlawful game he shall not play; fornication he shall not commit, nor matrimony contract with any person during said term; from his master's service he shall not at any time unlawfully absent himself; but in all things, as a good, honest, and faithful apprentice, shall bear and behave himself towards his said master during the full term of three years and about three months, *ending the 28th day of February 1737*: and the said Thomas Russel, in consideration thereof, doth covenant, promise, grant, and agree, unto and with his said apprentice in manner and form following; that is to say, that he will teach his said apprentice, or cause him to be taught, by the best ways and means that he may or can, the trade, art, or mystery of a cordwainer, if said apprentice be capable to learn, and will find and provide for and unto said apprentice good sufficient meat, drink, washing, and lodging, and clothing, pursuant to an agreement made with Adam Winthrop, Esq; sitting for an apprentice, during the said term, and at the end of said term to dismiss said apprentice with a new suit of apparel *suitable to his degree*. In testimony whereof the said parties to this present indentures have interchangeably set their hands and seals the 14th day of November, in the 8th year of the reign of our sovereign lord George, by the grace of God, king of Great Britain, France, and Ireland, and in the year of our Lord 1734.

Signed, sealed, and delivered
in presence of
John Mason,
Jonathan Barber.

Benjamin Uncas Δ his mark.
Benjamin Uncas junior.

Indians recognition of Ben Uncas.

Moheagan, August 2d 1737.

The subscribers hereunto, being the *greatest part* of the Moheagan Indians, being met together, and having had a letter read to us from the honourable Joseph Talcot, Esq; governor of his majesty's colony of Connecticut; wherein, among many good
advices,

advices, he advises us to peace and unity amongst ourselves, and loyalty toward our present Sachem Ben Uncas; which advice we readily close with, and do now declare, with heart and hand, that we do acknowledge Ben Uncas, our present Sachem, to be rightfully so, and that we will protect him in the peaceable possession of that office of honour and dignity among us as long as he shall live; and are thankful to the governor for putting us in mind of our former follies and declensions, *and desire to be humble for the same*, and hope the general assembly will overlook our former follies, especially when they see we are a *returning* people, by our good and peaceable behaviour amongst ourselves, and towards our said Sachem: as witness our hands the date above written.

Wampaneag ☼ his mark.
 Wemuscum ☼ his mark.
 Suffewoem ☼ his mark.
 Joseph Pie ☼ his mark.
 Honest John ☼ his mark.
 Robert Archpo ☼ his mark.
 Ben Cancheegun ☼ his mark.
 Solomon.
 Jo Cooper ☼ his mark.
 Weywewot ☼ his mark.
 Junco ☼ his mark.
 Daniel Cooper ☼ his mark.
 Zachariah Johnston ☼ his mark.
 Caleb Couchegun.
 James Toby ☼ his mark.
 Auconet ☼ his mark.
 George ☼ his mark.
 Sam ☼ his mark.
 Ben Uncas, Sachem, △ his mark.
 Joshua Uncas ☼ his mark.
 John Uncas ☼ his mark.
 Samuel Uncas.
 Pawcosunk ☼ his mark.
 George Quid ☼ his mark.
 Harry Quid ☼ his mark.
 Samuel Ashbo.
 Pompey Uncas.
 Pompo'u ☼ his mark.
 Cauchegun ☼ his mark.

Jo Pie junior.
 Young Cooper ☼ his mark.
 Nesotanner ☼ his mark.
 Young Couch ☼ his mark.
 Tootoo ☼ his mark.
 Peter Muscum ☼ his mark.
 Simon Toby ☼ his mark.
 Onenobin ☼ his mark.
 Jo Ashpo ☼ his mark.
 Silas ☼ his mark.
 Tomocum ☼ his mark.
 Caleb Clark ☼ his mark.
 John Ashpo ☼ his mark.
 Simon Chauchau ☼ his mark.
 Abraham Chauchan ☼ his mark.
 John Buel ☼ his mark.
 John Cheeshunks ☼ his mark.
 James Cheeshunks ☼ his mark.
 Ben Uncas junior ☼ his mark.
 Jo Webuc ☼ his mark.
 Wequot ☼ his mark.
 Senuclick ☼ his mark.
 Ned ☼ his mark.
 Sunnons Ned ☼ his mark.
 Quoque ☼ his mark.
 Tom ☼ his mark.
 Peage ☼ his mark.
 George Jo ☼ his mark.
 Seven Jo ☼ his mark.

320

All the within-mentioned and above-written persons unanimously set their hands, either by themselves or their near friends of them that were not present, in presence of us subscribers,

James Haris,
 John Curtiss,
 Charles Whiting,

John Richards,
 Jonathan Barber.

Copy of act of assembly.

321 At a general assembly holden at Hartford the 10th day of May, anno regni regis Georgii Secundi duodecimo, annoque Domini 1739.

Ben Uncas, Sachem of the Moheagan Indians, applying himself to this assembly for their assistance to ascertain and maintain the bounds of *his lands* at Moheagan, upon consideration whereof this assembly do appoint and invest James Wadsworth, Samuel Lynde, and John Richards, Esqrs. or any two of them, to assist the said Sachem with their counsel and advice in the best manner to ascertain and maintain the bounds of the said Sachem's lands; as also in suing of and removing, by any lawful means, any person or persons that have already entered upon, or shall hereafter enter upon the said Sachem's land, or any part thereof; as also to assist and advise said Sachem in leasing out *any parcels* of his land: and in regard of the ancient friendship between this colony and the Moheagan Sachems, which still remains between this colony and the present Sachem, this assembly instruct and desire the said James Wadsworth, Samuel Lynde, and John Richards, to use their utmost care that said Sachem be not encroached upon, or dissided of his lands.

A true copy of record.

Test. George Wyllys, secretary.

Ben Uncas his powers of attorney to Mr. Smith, 4th July 1748.

322 To all men to whom these presents shall come, greeting:

I Benjamin Uncas, chief Sachem of the Moheagan Indians, with the advice and consent of my council, principal heads under me of the Moheagan Indians, do hereby constitute, authorize, nominate, and appoint William Smith of New-York, in the colony of New-York, gent. attorney at law, my true, sufficient, and lawful attorney, for me, my council, and the Moheagan Indians, to appear before his majesty's court of commissioners appointed to review a cause or controversy between the governor and company of the colony of Connecticut, the chief Sachem of the Moheagan Indians, and the said Indians; and me, for myself, and for and in behalf of my said people, to represent before the said court in the cause aforesaid, and therein to do and act, for me and them, as counsel and attorney, to plead, prosecute, implead, declare, or defend in the cause aforesaid, and all things relating thereto or depending thereon; and for his so doing, this shall be his sufficient warrant. In witness whereof I have hereunto set my hand and seal, and as an evidence of my council's advice and consent, they have, on the back side hereof, set their hands the 4th day of July 1743.

Signed, sealed, and delivered
in presence of

John Griswold,
Hannah Huntington.

Benjamin Uncas Δ his mark. (L.S.)

The

The names of the counsel consenting to the within, viz.

Joshua Uncas ☉ his mark.	Samson Occom.
Zachariah Johnson ☉ his mark.	Ephraim Johnson ☉ his mark.
Samuel Uncas ☉ his mark.	Samuel Pie ☉ his mark.
Simon Choychoy.	Henry Quaquaquid ☉ his mark.
Joseph Pie ☉ his mark.	John Wampaneage ☉ his mark.
John Uncas ☉ his mark.	

We do certify, that all the copies of the foregoing papers, deeds, instruments, evidences, and writings, **from page 220 to 323* [of the original,] are *true copies* of the papers, deed-, instruments, evidences, and writings *exhibited* before Cadwallader Colden, Philip Cortland, Daniel Horsmanden, John Rodman, and Robert Hunter Morris, Esqrs. *on behalf of the governor and company of Connecticut*, in the cause or controversy between the said governor and company and the Moheagan Indians, heard and determined before them, as the same are contained in the original book of proceedings by them certified, the same having been compared and examined by us. Witness our hands at New-York this 28th day of January 1744. 323

PHILIP CORTLAND,
HENRY LANE,
DANIEL HORSMANDEN.

EXHIBITS ON BEHALF OF THE MOHEAGAN INDIANS. 324

The deed of Ben Uncas and others, 21st October 1724.

To all people to whom this writing shall come, Major Ben Uncas, Sachem of the Moheags, sends greeting :

Now know ye, that our father Uncas and our uncle Wawequaw did, in the year 1659, make over all their lands unto Major John Mafon, deceased, *in trust, thereby to secure them for their people and successors*, and in the year 1665 did again make it over unto the said Mafon for *the same purpose* ; and the said Mafon did, in the year 1671 (the better to secure some of the lands to them and their posterity) reconvey unto Uncas and others, and their heirs, that tract of land between New-London and Norwich for their planting, with an express limitation on that deed that neither they nor their heirs should ever alienate the same ; which after that time passed commonly by the name of Sequestered Lands; and that the government of Connecticut did approve of the said Major John Mafon's being procurator or guardian of the Moheagan Indians during his life, and of Major Samuel Mafon his son after his death ; and

* See page 144 to the present page.

and in the year 1660 do provide and determine, that the lands of the Moheagan Sachems be disposed of and ordered by the said Mason. In the year 1692, for the more effectual securing to the said Sachem and Moheagans their reserved and remaining lands, direct and determine, that none of the lands *recorded and confirmed* to our late brother Oweneco, should for the future be passed away *without the consent of Captain Samuel Mason aforesaid*.

325 Now after the decease of the said Samuel Mason, at her majesty's court of enquiry, examination, and determining the complaint of Oweneco, Sachem of the Moheagan Indians, against the government of Connecticut, &c. holden at Stonington, by virtue of her majesty's commission under the great seal of England, upon the 23d of August 1705, the court ordered, that John Mason, son-in-law to Major Samuel Mason, and grandson unto the aforesaid Major John Mason, at the desire of Oweneco, be the trustee and guardian of the said Oweneco and his people, as his ancestors had been before him.

Now, sofar as much as the said John Mason has acted and transacted and made dispositions of lands to sundry persons and in divers places, more especially in the town of Lebanon and Colchester, we well approve thereof, and hereby acquit and discharge the said John Mason and his heirs therefrom fully and absolutely, as also what he did in conjunction with Oweneco.

Furthermore we did, with the advice of our counsel and consent of my people, August 23d, A. D. 1723, renew our choice of the aforesaid Captain Mason to be our guardian and trustee to have the whole dispose of us and our affairs as touching our good government, and the improvement of our lands from time to time and at all times hereafter, as his ancestors have had heretofore, and that the same power may be continued unto the heirs male of his body for the future.

This our election being laid before the general assembly at their session at New-Haven, October 1723, they did in their wisdom and goodness make an act empowering the said Captain Mason to enter into our lands, known by the name of the Moheagan Fields, with our consent and good liking, there to build, reside, and inhabit, and improve any part of our land, as well to his benefit as ours, also we add for the benefit of his heirs and successors from time to time and at all times hereafter, as if more special provision had been made.

326 Now we do hereby manifest and declare, with advice of our counsel and consent of our people, that the aforesaid act of the general court, and Captain Mason's proceedings thereon pursuant thereto, is with our full satisfaction and good liking; provided always, that neither we nor our people shall be molested or interrupted in our planting and usages as hitherto have had and ought to have.

Finally we say and close, that it is our pressing desire that Captain John Mason our guardian may continue, and that the like power and trust may be invested in the male heirs of his family from generation to generation until time shall be no more.







We

We only add, that this our representation or memorial may be entered on record, that if need require it may appear in time to come.

Whereto we put our hands and seals the twenty-first day of October, A. D. one thousand seven hundred and twenty-four, in the eleventh year of the reign of king George, defender of the faith, &c.

Signed and sealed in
the presence of

William Whiting,
Thomas Avery.

Ben Uncas  his mark. (L. S.)
Johnson  his mark. (L. S.)
Choughchegun  his mark. (L. S.)
Mauhauwon  his mark. (L. S.)
Wampanage  his mark. (L. S.)
Port Royal James  his mark. (L. S.)

Colonel William Whiting and Captain Thomas Avery, witnesses to the within instrument, personally appeared and made oath, that they saw the six Indians, whose names and seals are annexed to the same, sign and seal the same instrument, before me in Norwich the 7th day of November 1724.

RICHARD BUSHNELL, justice of the peace.

Norwich the 7th day of Nov. 1724.

Captain Thomas Avery abovesaid personally appeared and made oath, that as interpreter he made the Indians fully to understand all the several paragraphs of the within written instrument before they signed and sealed the same, before me

RICHARD BUSHNELL, justice of the peace.

Report of committee.

A general court of election held at Hartford, May 13th 1680.

327

The committee appointed to hear the Indians, having heard their affairs and matters, do propound to this court as followeth; viz. as in their return on file:

First, In reference to the *complaint* against the Mohawks, and other Indians molesting of the *Mobegs* and Pequots, &c. The court having considered the same, do, in answer to this, declare to all concerned, that they are our *friends*, and we are not willing they should be molested by any, and therefore *do leave them to themselves* to manage their affairs, so as may best conduce for their safety, and we shall continue to be their friends, and carry towards them as such upon all occasions.

Secondly, As for Mamohoc, some of our gentlemen have been treating with Major Pynchon to buy some land for them near the sea, and he hath taken it into consideration; if

if that can be procured, it will be for them ; if that fails, other lands, as convenient as can be procured them, shall be laid out to them.

Thirdly, As to Cassacinimous complaint, of his people removing from him into some small parties, whereby they are not so capable to defend themselves, this court orders Captain Avery and Lieutenant Maſon, and Mr. Minor, or any two of them, to acquaint ſaid Pequot Indians, under Robert's government, to return to his town as ſoon as planting and weeding is over, and continue to be under Robert's government as formerly.

328

Fourthly, As to Ackenack, Sachem of Milford, and Padigefuck's complaint that he wants land, though Stratford men do produce a deed of ſale of the purchaſe of their townſhip of the Indians, which deed is a clear paſs of thoſe lands to Stratford, yet, for the conveniency of theſe Indians, no provision being made for planting land for thoſe Indians; we do grant that they ſhall have a hundred acres of land laid out to them upon Coram Hill, in ſome convenient place, by Captain William Fowler and Mr. John Burr ; and this court does alſo grant the ſaid Indians liberty to hunt, fowl, and fiſh in Stratford bounds, Milford, and Derby, any claufe in the deed to the contrary notwithstanding, they doing them no damage ; alſo Mr. Hawley is to lay out a hundred acres of land on the other ſide the river, in Milford bounds, to the ſaid Indians.

Fifthly, *As to Uncas* he deſires that *his bounds* of land may be ſettled before he dieth, *we are free to it* ; and as we have done formerly, ſo we ſtill conclude we muſt and ſhall be ready to paſs by the infirmities of his old age, provided he do not wilfully break friendſhip with us.

Sixthly, As to the guns of Joſhua's children, which are deſired by Uncas, thoſe things do properly concern the overſeers of Joſhua's will, and we cannot determine the cauſe without firſt ſpeaking with Mr. Chapman and Mr. Buckingham, aſſuring him, in caſe Joſhua's children die, we ſhall not keep the guns from thoſe from whom they do properly belong.

Seventhly, We order *New-London* to run the line between Uncas and their land, as ſoon as may be, with Uncas or his men.

Eightly, We order, that if Uncas hath right to any land about *Quinebaug*, he may mark it out, and diſpoſe of it to his ſon Oweneco ; and to grant to him *liberty* to diſpoſe of it to ſuch gentlemen amongſt us as he ſhall ſee cauſe to do.

Ninthly, As to the corn granted to Uncas for damage done in his corn, the court grants his deſire, that he ſhall have in lieu thereof a quantity of powder and ſhot allowed to them, and delivered to them by Mr. Fitch ſen. as he ſees they ſhall have occaſion and neceſſity thereof.

Tenthly, As to the six hundred acres of land allowed by Uncas for the burning New-London prison, Mr. Fitch is to allow Uncas ten pounds for the same, and the rest he procures for the land is to be allowed to the county treasury, viz. thirty pounds of it.

Eleventhly, To Wajohues desire of land for himself and people, Lyme deputies affirming there is a sufficiency of land allotted to him already; if it prove otherwise the court will consider them when that appears.

This court orders, that what lands is allowed or set apart for *any* parcels of Indians within the bounds of any plantation, it *shall be recorded to them*, and the same shall remain to them and their heirs *for ever*, and it shall *not* be in the power of any such Indian or Indians to make *any* alienation thereof; and whatsoever Englishman shall purchase *any* such lands laid out or allotted to the said Indians, he shall forfeit treble the value of what he so purchases to the public treasury, and the bargain shall be void and null. 329

As for Opaquanock Indians, this court are informed that they have sold their lands, and that there is a sufficient quantity of land at Golden-Hill reserved for their planting, and if they need more, upon the discovery thereof, it will be considered.

A true copy of record.


Test. George Wylls, secretary.

Oweneco's deed to the Mohegan Indians, 6th March 1683-4.

Know all men whom it doth or may concern, that I Oweneco, Sachem of Mohegan, have and do by these presents pass over my right of all that tract of land between New-London town bounds and Trading-Cove brook, unto the Mohegan Indians for their use to plant, that neither I nor my son, nor any under him, shall at any time make sale of any part thereof, and that that tract of land shall be and remain for ever for the use of the Mohegans and myself and mine to occupy and improve for our mutual advantage for ever. As witness my seal and mark this 6th of March 1683-4.

Witnesses

Thomas Sluman,
Jonathan Fowler.

Oweneco  his mark. (L. S.)

Signed and acknowledged before me, March 6th 1683-4.

JAMES FITCH, assistant.

Recorded in this book of record, March 22d 1684.

A true copy of record extracted from Norwich first book of deeds, fol. 21, examined

Per Isaac Huntington, town-clerk.

I i i

Decla-

Declaration of the Indians against Ben Uncas, 1st March 1738.

Know all men by these presents, that whereas at a general meeting of the Moheagan, Pequot, and Niantick Indians, the whole body of them did renounce Ben Uncas as Sachem, in and by an instrument bearing date some time in September anno Dom. 1736.

And whereas at a meeting of the Moheagan Indians many then present did, through the *importunity* of some English persons, sign an instrument bearing date some time in August last past; by which instrument they now hear, they did acknowledge Ben Uncas as their Sachem, which then *they knew nothing of*, but being in a time when we thought ourselves in *danger of losing our lives* by means of the eastward Indians coming upon us, and his honour the *governor writing a letter to us*, we thought nothing more thereby only to give his honour an account of the number of our soldiers, and of those that would stand together and fight in time of war.

Wherefore we the subscribers being many of us of the number that did sign both the foregoing instrument, we do by these presents declare, and oblige ourselves to stand to the former, whereby we *renounce* Ben Uncas as our Sachem; and we do disown and protest against the latter, and we think it highly reasonable that no advantage should be taken against us thereby.

And by virtue of these presents we do disapprove of and make void whatever Ben Uncas has acted or may act in the capacity of Sachem or king over us in the conveyance of any lands, rights, and privileges whatsoever belonging unto us.

In witness whereof we have hereunto set our hands this 1st day of March
anno. Domini 1738.

331

Saux ☉ his mark.
Junco ☉ his mark.
Wemuscum ☉ his mark.
Sam Maucene ☉ his mark.
Jo Athpo ☉ his mark.
Robin Macku funk ☉ his mark.
Little George ☉ his mark.
Ben Chauchegun ☉ his mark.
Jo Squantum ☉ his mark.
Jo Webux ☉ his mark.
Ned Chuckleag ☉ his mark.
Sobuck ☉ his mark.
James Mucklaukleo ☉ his mark.
John Taulion ☉ his mark.
Sam Uncas ☉ his mark.

James Cheeshunc ☉ his mark.
Jo Cooper ☉ his mark.
Young Topshau ☉ his mark.
Bumbazo Coucheogun ☉ his mark.
Zachary Johnson ☉ his mark.
Jacob Florcock ☉ his mark.
Solomon Chauchegun ☉ his mark.
John Uncas junior ☉ his mark.
Peter Saux ☉ his mark.
James Table ☉ his mark.
Sam Saux ☉ his mark.
Cato Cyrus ☉ his mark.
Caleb Cauchegun ☉ his mark.
Sam Ashbo.
Sam Uncas junior ☉ his mark.

Waukeat

Waukeat ☼ his mark.
 Tom Maucum junior ☼ his mark
 Joshua Aucum ☼ his mark.
 Simon Tobe ☼ his mark.
 Isaac Sanfamon ☼ his mark.
 Tom Sobuck ☼ his mark.
 Dan Tomawaus ☼ his mark.
 Ben Topshau ☼ his mark.
 Moses Mozzene ☼ his mark.
 Jo Shuntum ☼ his mark.
 Abner Aubochuquut ☼ his mark.
 Daniel Quockeat ☼ his mark.

David Shuntum ☼ his mark.
 Simon Oquawhum ☼ his mark,
 Ephraim Samfon ☼ his mark.
 Sam Mozzean ☼ his mark.
 John Johnson ☼ his mark.
 Sam Cooper ☼ his mark,
 Sam Jones ☼ his mark.
 Jo Ashpo ☼ his mark.
 John Brooks ☼ his mark.
 John Funquods ☼ his mark.
 Dan Cooper ☼ his mark.
 John Ashpo ☼ his mark.

Signed in the presence of

John Morgans
 Jonathan Barber.

Peter Muscum ☼ his mark.

The said Peter Muscum made his mark in presence of us

Owen Cartey,
 Cato.

Colchester patent, 24th September 1705.

332

The governor and company of his majesty's colony of Connecticut, in New-England in America.

To all to whom these presents shall come, greeting :

Know ye, that the said governor and company, by virtue of the power granted to them by our late sovereign lord king Charles the Second, of blessed memory, in and by his letters patent under the great seal of England, bearing date the three and twentieth day of April in the fourteenth year of his said majesty's reign, and in pursuance thereof, and for divers good causes and considerations them thereunto moving, have given, granted, and by these presents for themselves, their heirs and successors, do fully, freely, clearly, and absolutely give, grant, ratify, and confirm to the Rev. Mr. John Bulkley, and Samuel Gilbert, Michael Tainter, Samuel Northam, John Adams, Joseph Pomroy, Samuel Loomis, James Brown, Joseph Pratt, and the rest of the proprietors and freeholders in the town of Colchester, a certain tract of land (so called) situate, lying, and being within the said colony, and in the county commonly called New-London county, bounded east and north east upon a line running by Norwich south-west bounds, one mile northward by Norwich line; from thence to run a direct line, falling half a mile below the middle of the island in a pond called the North-Pond; bounded west on the east bounds of Hadlam and Middletown; bounded north on the north bounds of Twenty-mile river; and bounded south on the north bounds of the town of Lyme; and all the woods, under-woods, up-lands, arable lands, meadows, pastures, ponds, waters, rivers,

333

rivers, fishings, fowlings, huntings, mines, minerals, quarries, and precious stones upon or within the said tract of land, so butted and bounded as aforesaid, with their and every of their rights, members, and appurtenances; the said tract of land being now in the actual seisin and possession of them the said John Bulkley, Samuel Gilbert, Michael Tainter, Samuel Northam, John Adams, Joseph Pomroy, Samuel Loomis, James Brown, Joseph Pratt, and the rest of the proprietors aforesaid: *To have and to hold* the said tract of land and every part thereof, with all and singular the hereditaments and appurtenances thereof, and with the privileges, immunities, and franchises herein mentioned to be granted to the said John Bulkley, Samuel Gilbert, Michael Tainter, Samuel Northam, John Adams, Joseph Pomroy, Samuel Loomis, James Brown, Joseph Pratt, and the aforesaid proprietors, and their heirs and assigns for ever, and to the only proper use and behoof of them the said John Bulkley, Samuel Gilbert, Michael Tainter, Samuel Northam, John Adams, Joseph Pomroy, Samuel Loomis, James Brown, Joseph Pratt, and all and every of the proprietors before-mentioned, their and every of their heirs and assigns for evermore, according to their respective interests and properties therein, to be holden of her majesty, her heirs and successors, as of her majesty's manor of East Greenwich, in the county of Kent, in the kingdom of England, in free and common soccage, and not in capite or by knights service; yielding and paying therefore unto her majesty, her heirs and successors only the fifth part of the ore of gold and silver which shall from time to time and at all times hereafter happen to be found, had, or obtained in all or within the said tract of land or any part thereof, in lieu of all duties and services whatsoever.

In testimony whereof the said governor and company have ordered that the above-written instrument be signed and sealed according to law as their act and deed, dated in New-London this 24th day of September in the fourth year of the reign of our sovereign lady Anne, of England, &c. queen, defender of the faith, annoque Domini 1705.

J. WINTHROP, governor.

By order of the honourable the governor and general assembly,

Elcazar Kimberly, secretary.

A true copy of record,

Test. George Wylls, secretary.

334 (L.S.)

Copy of Lyme patent, 14th May, 1st James II.

Whereas the general court of Connecticut have *formerly granted* unto the proprietors, inhabitants of the town of Lyme, all those lands, both uplands and meadows, within these abutments: upon *the sea* on the *south, westerly*, on the *channel of Connecticut river*, easterly by a ditch, and stones cast into it, upon the Soldiers Farm at Niantick, which said ditch is about twenty rods easterly of the old house on the said farm, and about six miles and a half from Black-hall point; and from the aforesaid ditch to run a north-line to a black oak-tree, it being at the corner of New-London township, a little northward from Norwich path that comes from Mr. Ely's, and
from

from the said tree an east-line, about half-a-mile, to a marked red oak-tree with a heap of stones about it, it being formerly the bound tree between New-London and said Lyme; and from the said red oak-tree a north line, two miles, to a marked white oak-tree by the side of a great swamp; the north bounds are from the said white oak-tree a west-line till it meet with Haddam bounds; and from thence a southerly line, by Haddam bounds, till it come to their corner tree, it being marked and having stones about it, a little eastward of the most eastward branch of Eight-mile river; and from thence a west line to Connecticut river, and a white oak-tree by the said river-side, on the second point of rocks above Twelve-Mile island, taking in the islands that are adjacent both in the sea and river; *the said land having been by purchases or otherwise lawfully obtained of the Indian native proprietors*: And whereas the proprietors, the inhabitants of Lyme, in the colony of Connecticut, have made application to the governor and company of the said colony of Connecticut, assembled in court May 14th 1685, that they may have a patent for the confirmation of the aforesaid land so purchased and granted to them as aforesaid, and which they have stood seized and quietly possessed of for many years late past without interruption:

¶ Now, for more full confirmation of the aforesaid tract of land, as it is butted and bounded aforesaid, unto the present proprietors of said township of Lyme, in their possession and enjoyment of the premises; know ye, that the said governor and company assembled in general court, according to the commission granted to them by his majesty in his charter, have given and granted, and do by these presents give, grant, ratify, and confirm, unto Mr. Matthew Griswold senior, Mr. Moses Noyes, Mr. William Measure, Mr. William Ely, Lieutenant Abraham Brounson, Serjeant Thomas Lee, and John Lay junior, and the rest of the said present proprietors of the township of the said Lyme, their heirs, successors, and assigns for ever, the aforesaid parcel of land, as it is butted and bounded, together with all the woods, meadows, pastures, ponds, waters, rivers, islands, fishings, huntings, fowlings, mines, minerals, quarries, and precious stones upon or within the said tract of land, and all other profits and commodities thereunto belonging, or in any ways appertaining; *and do also* grant unto the aforesaid Mr. Matthew Griswold senior, Mr. Moses Noyes, Mr. William Measure, Mr. William Ely, Lieutenant Abraham Brounson, Serjeant Thomas Lee, and John Lay junior, and other the present proprietors, inhabitants of Lyme, their heirs, successors, and assigns for ever, that the aforesaid tract of land shall be for ever hereafter deemed, deputed, and be an entire township of itself; to have and to hold the said tract of land and premises, with all and singular their appurtenances, together with the privileges and immunities and franchises herein given and granted, unto the said Mr. Matthew Griswold, Mr. Moses Noyes, Mr. William Measure, Mr. William Ely, Lieutenant Abraham Brounson, Serjeant Thomas Lee, and John Lay junior, and other the present proprietors, inhabitants of Lyme, their heirs, successors, and assigns for ever; and to the only proper use and behoof of the said Mr. Matthew Griswold, Mr. Moses Noyes, Mr. William Measure, Mr. William Ely, Lieutenant Abraham Brounson, Serjeant Thomas Lee, and John Lay junior, and other proprietors, inhabitants of Lyme, their heirs, successors, and assigns for ever, according to the tenure of East-Greenwich in Kent, in free and common soccage, and not *in capite*, nor by knight-service; they to make improvement of the same as they are capable, according to the

custom of the country, yielding, rendering, paying therefore to our sovereign lord the king, his heirs and successors, his dues according to charter.

In witness whereof we have caused the seal of this colony to be hereunto affixed this 14th of May, in the first year of our sovereign lord James the Second of England, Scotland, France, and Ireland, king, defender of the faith, &c.

ROBERT TREAT, governor.

In the name, and by order of the general court of Connecticut,

Signed by me John Allyn, secretary.

March 30th 1687, per order of the governor and company of the colony of Connecticut,

Signed per John Allyn, secretary.

A true copy of the original.

Test. Moses Noyes, town-clerk.

Joseph Bradford's quit-claim, July 4th 1743.

To all to whom these presents shall come, I Joseph Bradford of New-London, in the county of New-London and colony of Connecticut in New-England, send greeting:

Whereas Captain John Mason of New-London aforesaid (deceased) by a certain deed of release, bearing date the 2d day of January 1710-11, made to a certain committee, viz. William Pitkin, Timothy Woodbridge, Joseph Talbot, William Whiting, John Elliot, Samuel Whiting, and myself, and also the said Captain John Mason and Anne Mason his wife, by one other deed of release made to us the above mentioned committee, bearing date the 9th day of April 1714, desiring and intending by the said deeds of the release and trust to put an end to the controversies, and to settle the contentions that had arose about the lands that had been given or *[made over as lands in trust]* unto their grandfather the honourable John Mason, Esq; or to him the said Captain John Mason, by any of the Indians mentioned in
 337 said deeds; did by said deeds remise, release, and make over unto us the said committee in trust, for and on condition of settling and accommodating the controversies aforesaid, all their right or claim unto all the lands coming to them as aforesaid, excepting and reserving only certain tracts of lands in said deeds excepted and reserved: and forasmuch as part of the reserved lands mentioned in said deeds was the townships of Colchester and Lyme, being reserved by the quit-claims mentioned in said deeds, and the said quit-claims for said Colchester and Lyme being put into our hands, as yet incomplete, and not duly executed and finished, and were never perfected and executed by the said Captain John Mason and Anne his wife, the said town of Colchester and Lyme never complying with the terms upon which said quit-claims were to be executed:

Now know ye, that I the said Joseph Bradford (being the only survivor of said committee) for and in consideration that the controversies and contentions respecting said lands, for the accommodating and settling of which, said deeds of trust were given to the said committee, were never accomplished, nor any thing done to effect in that matter, and for and in consideration of the sum of 20 pounds money, have given, granted, and do by these presents, for myself, my heirs, executors, and administrators, freely give, grant, release, remise, and for ever quit claim unto John Mafon, Samuel Mafon, and the rest of the heirs of the said Captain John Mafon for ever, all the right, title, interest, and claim to all lands which accrueth or any ways belongeth unto me by virtue of the aforesaid deeds of release from the said Captain John Mafon and Anne his wife, or by virtue of any other deed or deeds of release from the said Captain Mafon and his wife, given to me as one of said committee to hold in trust as aforesaid; to have and to hold all the above released and bargained premises to them, their heirs and assigns for ever, free and clear from all challenges and demands whatsoever from me or any under me; and for confirmation hereof I have hereunto set my hand and seal: Dated in Norwich, July 4th day, A. D. 1743.

N. B. The words [*made over as lands in trust*] were interlined before the executing this instrument.

JOSEPH BRADFORD. (L. S.)

Signed, sealed, and delivered
in presence of

Jabez Hide,
Elisha Tracy.

Norwich, July the 4th 1743, Joseph Bradford the subscriber personally appeared 33\$
and acknowledged this instrument to be his own free act and deed, before me

JABEZ HIDE, justice of peace.

Indian instrument, 6th October 1742.

Know all men by these presents: whereas the Mohegan Indians did formerly by a deed convey unto Major John Mafon and his heirs for ever all their lands, to be held by them as their trustees and guardians:

And whereas the said Major Mafon did by a deed reconvey unto and entail upon the said Indians a certain part of the said Indians lands, never to be disposed of by them or their heirs:

And whereas the English subjects of Connecticut did make encroachments upon the said Indians lands, contrary to the mind of the said Major Mafon, and to the great prejudice and dissatisfaction of the said tribe of Indians:

And whereas her late majesty queen Anne, upon the complaint of Oweneco, late Sacrem of the Mohegan Indians, alledging the English subjects of Connecticut had made encroachments as aforesaid, was graciously pleased to grant a commission under the great seal of England, directed to Governor Dudley and other commissioners therein

therein named, to hear and determine the cause and difference between the governor and company of Connecticut and the said Indians :

And whereas the said Governor Dudley, with the other commissioners in the said commission named, did give their judgment in favour of the said Indians :

And whereas, upon the complaint of the governor and company of Connecticut, against the judgment and proceedings of the said Governor Dudley and other commissioners, her said late majesty was pleased to grant a commission of review of the said cause to certain commissioners therein named, which, as appears, was never executed.

And whereas, upon the complaint of the rightful Moheagan Sachem, Mahomet, (deceased) his present majesty king George the Second was pleased to grant a new commission of review, directed to the governor and council of New-York for the time being, and to the governor and assistants of Rhode-Island for the time being :

And whereas the said last commissioners, in the executing their said commission, did make void the said Dudley's judgment in whole, except a small tract of land in 339 the Indians possession called *The Moheagan Fields* :

And whereas, upon the petition of Mr. John Mason and Mr. Samuel Mason of New-London, guardians and trustees to the tribe of the Moheagan Indians and their lands, together with a complaint from the said tribe, desiring that a new commission might be granted, alledging the proceedings of the said last commissioners in the executing of the said last commission was irregular and unjust, his majesty was pleased to grant a new commission of review, directed to the governor and council of New-York for the time being, and the governor and council of New-Jersey for the time being; which commission has not as yet been executed by the said commissioners, which we are desirous may be as soon as time will admit :

And whereas Ben Uncas did before, and also at the time of the session of the commissioners at Norwich for the executing the said commission, directed to the said governor and council of New-York and the governor and council of Rhode-Island as aforesaid, make pretences to the right of Sachemship, and did assume the power and right of acting in behalf of the tribe as such, and of disposing of their lands as he pleased, to the great dissatisfaction and injury of the said tribe of Indians, notwithstanding the said Indians had, by their unanimous vote at their general meeting or dance at Moheagan, in the month of September 1736, positively disowned the said Ben to be their Sachem, and publicly declared against his acting as their head or Sachem :

We therefore, the subscribers, being Moheagan Indians, do, by these presents, disown Ben Uncas to be Sachem of the tribe of Moheagan Indians, and disallow his acting as such, or appearing as the head or Sachem of our tribe in the commissioners court which shall be held for the due executing of the said last commission, directed to the governor of New-York and his council, and the governor of New-Jersey and his council as aforesaid, or in any court whatsoever : And we do desire, that Mr. John Mason and Mr. Samuel Mason, grandsons to our said trustee Major John Mason,

Mafon, and Major Samuel Mafon, and fons and heirs to Captain John Mafon our trustee (deceased) may appear in our behalf, as our guardians, before the court of commissioners, when it shall be held for the due executing of the said last commission, directed to the governor and council of New-York and the governor and council of New-Jersey for the time being as aforesaid. And we do further, by these presents, appoint John Uncas, Jo Ashbo, Solomon Cauchegun, Henry Quaquaquid, John Uncas junior, Cyrus Ashconend, Cato Johnson, and John Nannapoom junior, all Indians belonging to the tribe of the Moheagans, to appear and act as our agents, in conjunction with our said trustees John and Samuel Mafon, at the court of commission which shall be held in pursuance of said last commission. In witness whereof we have hereunto set hands and seals. Dated in Norwich October the 6th day 1742. 340

John Uncas ☉ his mark. (L. S.)	Ephraim Samson ☉ his mark. (L. S.)
Jo Ashpo ☉ his mark. (L. S.)	Joshua Noneluch ☉ his mark. (L. S.)
John Nannapoom ☉ his mark. (L. S.)	Simon Jones ☉ his mark. (L. S.)
Old Saux ☉ his mark. (L. S.)	Abraham George ☉ his mark. (L. S.)
Jo Cooper ☉ his mark. (L. S.)	George Minton ☉ his mark. (L. S.)
Dan Cooper ☉ his mark. (L. S.)	Ben Tupchan ☉ his mark. (L. S.)
Weequ ☉ his mark. (L. S.)	John Cooper ☉ his mark. (L. S.)
Chequebe ☉ his mark. (L. S.)	James Robbin ☉ his mark. (L. S.)
Peter Saux ☉ his mark. (L. S.)	Jacob Horfcoat ☉ his mark. (L. S.)
Solomon Chauchegun. (L. S.)	John Cooper ☉ his mark. (L. S.)
Cato Johnson. (L. S.)	Isaac Soonfamon ☉ his mark. (L. S.)
Cyrus Ashconend. (L. S.)	John Ashbo junior ☉ his mark. (L. S.)
Caleb Cauchegun. (L. S.)	Jo Ashbo junior ☉ his mark. (L. S.)
Sam Ashbo. (L. S.)	Sam Cooper ☉ his mark. (L. S.)
Will Buck. (L. S.)	John Sewanuisit ☉ his mark. (L. S.)
George Mozzene. (L. S.)	Jo Nefotanny ☉ his mark. (L. S.)
John Ashpo ☉ his mark. (L. S.)	John Johnson ☉ his mark. (L. S.)
John Nannapoom ☉ his mark. (L. S.)	Tom Quackets ☉ his mark. (L. S.)
Henry Quaquaquid ☉ his mark. (L. S.)	Simon Quaheech ☉ his mark. (L. S.)
Daniel Cooper ☉ his mark. (L. S.)	Obadiah Tannie ☉ his mark. (L. S.)
John Uncas junior ☉ his mark. (L. S.)	Teefon Nannapoom ☉ his mark. (L. S.)

Witnesses present at signing and sealing,

Thomas Waterman,
John Waterman,
Thomas Grift,
Elisha Tracy.

John Cheefshunck. (L. S.)

John Cheefshunck signed and sealed January 16th 1742-3.

Witnesses present,
Elisha Tracy,
Zechariah Tracy.

Elisha Tracy's deposition.

341 Elisha Tracy being examined under oath, faith, that, as touching a certain writing now exhibited in court by Mr. Bolland, dated October 6th 1742, he saw all the persons, whose names are thereto affixed, sign and seal the same; and faith, that they were all together, but one named John Cheefhunk; and it was all read over together first, and that then he the deponent read it over again, paragraph by paragraph, to Cyrus and other Indian interpreters; and he said Cyrus and the other Indian interpreters declared they understood it, and that they had then made the rest of the Indians understand the contents thereof. And further faith, that as to Cheefhunk he some time afterwards read the same writing to him, in such manner as that the said Cheefhunk declared he well understood the contents thereof.

ELISHA TRACY.

And the deponent answered, upon interrogation, that he knew the greatest part of the Indians who signed and sealed the above-said writing at the time of the executing of the same.

ELISHA TRACY.

Norwich, July 21st 1743, given in upon oath.

Test. D. Edwards, cler. cur. commiss.

John Waterman's deposition.

John Waterman, aged about seventy-three years, testifieth, that touching a writing or instrument, dated October 6th 1742, exhibited to the court by Mr. Bolland, he saw all the Indians whose names are annexed to said writing (except John Cheefhunk) sign and seal the same.

And further testifieth, that before said Indians signed and sealed said instrument, he heard Elisha Tracy read said instrument to all said Indians (except said Cheefhunk) distinctly, paragraph by paragraph; and that Cyrus and other Indians, who were then desired to interpret to the said Indians each paragraph as it was read, declared, that they had communicated to the rest of the said Indians the true meaning of each paragraph, and that the Indians understood the same. And further the deponent faith, he has a considerable knowledge of the Mohegan language; and that, according to his skill therein, the said Cyrus and other Indian-interpreters did interpret the said instrument truly and faithfully to the said Indians.

342 And further faith, that he knew all the Indians who signed said instrument, except about ten or fifteen, having become acquainted with them either at Mohegan, where he has almost every year ploughed for the Indians ever since he was capable of labour, until a few years past, or at his own house seeing them pass to or from

Mohegan, the deponent having all his life-time lived within about four miles of Mohegan: Further faith not.

JOHN WATERMAN.

Norwich, July 21st 1743.

The above deposition was given in before the court of commissioners upon oath.

Test. D. Edwards, cler. cur. commissi.

Thomas Grist's deposition.

Thomas Grist being examined under oath, faith, as touching a certain writing now exhibited in court by Mr. Bollan, dated October 6th 1742, he saw all the persons, whose names are thereto affixed, sign and seal the same, except one named John Cheeshunk; and faith, they were all together, except the said Cheeshunk; and it was all read over together, first, by Elisha Tracy, in the audience of the said Indians, and then he the said Tracy read it over again, paragraph by paragraph, to Cyrus and other Indian interpreters; and he said Cyrus and other Indian interpreters declared they understood it, and that they had then made the rest of the Indians understand the contents thereof.

And, upon interrogation, further faith, that he knew the names of but few of said persons signing as abovesaid.

THOMAS GRIST.

Given in on oath 21st July 1743.

Test. Daniel Huntington, clerk of the court of commissioners.

Cyrus Ashconend's deposition.

Cyrus Ashconend, an Indian Christian, upon oath, declared, that he signed the writing, dated October 6th 1742, exhibited in court, and that Dr. Tracy first read over the whole to the Indians (except Cheeshunk) who subscribed to it, the biggest part of whom understood English, and then the said Tracy read the same over again, by reading a few lines at a time; as the same was so read, he the deponent, together with two other Indian interpreters, interpreted the same to the Indians who did not understand English; and also declared, that what words he missed as he interpreted, the other interpreters told; so that the Indians to whom they interpreted said writing understood the meaning and contents thereof.

343

And being cross-examined on the following questions, the deponent made answer to them respectively as follows.

Quest. 1. Do you remember the design of the writing shewed to you?

Ans. It was to choose twelve committee, to act before this court with Mason?

2. Do

2. Do you remember any other thing designed by that paper?

Ans. Yes: they (to wit the Indians) were not willing that Ben Uncas should act for them; therefore they put him away, and chose a committee to act with Mafon before the judges.

3. Was John Mafon with the Indians at that time?

Ans. John Mafon was there, and Samuel Mafon was there.

4. What other persons were there who were not Indians?

Ans. Mr. Waterman, Mr. Grist, Dr. Tracy, and Captain Joseph Tracy; and the deponent don't remember any more there but them who were not Indians.

5. Did Samuel Mafon then, or at any other time, give a bond to the Indians?

Ans. Yes; not at that time, but afterwards.

6. What was the sum mentioned in the bond?

Ans. The bond was a fifty thousand pound bond.

7. What was the condition of the bond, or what was it given for?

Ans. They said it was because the government said, that Mafon wanted the land for himself; but if Mafon took any of the land without the Indians leave, he was to forfeit the bond.

8. Who has that bond, or who took it when Samuel Mafon gave it?

Ans. Eight persons were there; all the Indians who signed the paper aforesaid chose them to take it: the eight persons names were, John Uncas, young John Uncas, Cato Johnson, Cyrus Ashconend (the deponent), John Nannapoom, Jo Ashbo, Henry Quaquaid, Solomon Chauchegun; and that he the deponent keeps the bond, and has it at home.

9. Was said Samuel Mafon to have any part of the land he should recover?

Ans. Just what the Indians pleased; if they pleased to give nothing, he was to have nothing.

10. Do you know what lands are now in dispute between the governor and company and the Moheagan Indians?

Ans. Lands at the North Parish, four miles wide and eight miles long; and some miles at Colchester, cannot tell how much; and some land at Lyme; and some in Moodus and Metabasset; and that he don't know of any more, but there might be more.

11. Was there any particular agreement, that Mr. Mafon should have any of the lands in Colchester, if he recovered them?

Ans. No.

12. Did any English people desire those Indians to meet and sign that writing; and who?

Ans. The Indians agreed to meet at such a time, to act according to what that writing [pointing to the paper by the Indians signed] declared. Further answers, that he don't know that any English desired those Indians to meet; but they agreed to meet, and so he went.

13. Were any of the Mafons and Captain Tracy with the Indians together at Moheagan the day before they signed that writing, and did they, with the Indians, agree to meet next day at Norwich to do it?

Ans. He heard, that the day before there was a meeting of the Indians there, but was not there himself. Further answers, that he don't remember to have heard that any of the Mafons were there.

CYRUS ASHCONEED.

Norwich, } At a court of commissioners, holden July 22d 1743, the above de-
position, and answers to the above thirteen questions, were made
and given before the court upon oath.

Test, D. Edwards, cler. cur. commiss.

Indian instrument, 1st June 1743.

345

To all people to whom these presents shall come, we the subscribers, being of the tribe of the Moheagan Indians, send greeting :

Whereas our tribe of Indians, at a black dance at Moheagan on the tenth day of September, did unanimously by our vote *disown* Ben Uncas to be our rightful Sachem, and utterly disapproved of his acting in any way of government over us as such, and did deny the said Ben to have right to dispose of any lands by virtue of his being Sachem, and did likewise then declare our satisfaction in the proceedings of the *rightful Sachem Mahomet*, who was then prosecuting our cause in Great Britain.

And whereas our tribe of Indians in the year 1738, when *in great fear of being attacked by an enemy instantly*, were, in the time of this our fear and distress, entertained with a letter from the *governor of Connecticut*, signifying to us that we might not expect to be protected from our expected enemy by him, *unless we would acknowledge Ben Uncas to be our rightful Sachem, and yield a peaceable subjection to his rule and government over us.*

And whereas on the 2d day of August in said year (it being when said letter was presented) an instrument or writing, acknowledging and declaring said Ben to be our rightful Sachem, was offered by some English persons, to which the name and marks

M m m

of

of a considerable number of our tribe of Indians, and of some of us the subscribers were then annexed, although the greatest part of the Indians whose names and marks were then subscribed *were not present, and knew nothing of the matter*; and the Indians then *present* who signed said instrument being also some of them *ignorant of the nature of the same*, or of what was contained in it; others signing *through fear*, lest they should not be protected from their expected enemy by the said governor upon their refusal, *as was suggested in said letter*.

346 And whereas the said Ben, as well before as since the time of the decease of our late *rightful Sachem Mahomet*, has been endeavouring to convey away our *rights* of lands to the English subjects of Connecticut, *and to defeat us* in those legal measures we have been and are still taking to recover our rights and possessions, to our great prejudice and dissatisfaction :

We do therefore hereby utterly *disown* the said Ben to be or ever to have been our rightful Sachem, notwithstanding the aforesaid constrained acknowledgment of him as such, and do disallow of the said Ben's acting as the head or Sachem of our tribe in any respect whatsoever. And further we say, that John Uncas, grandson to Uncas, Grand Sachem of Moheagan, deceased, has, by virtue of *nearness of blood and kin* to the said Grand Sachem (*according to the ancient customs of our tribe*) the best right to the Sachemship of any Indian surviving since the decease of our said late Sachem Mahomet : and further, as we have lately made choice of old John Uncas, young John Uncas, Jo Ashpo, Solomon Cauchegun, Cyrus Ashconend, Cato, John Nannapoom, Jo Webucks, Daniel Cooper, Jo Cooper, Chequibe, Wequat, to be our agents for our tribe, who are to be and act as a council in our behalf in all matters relating to our interest, in conjunction, and only in conjunction with our guardians Mr. John Mason and Samuel Mason, we desire they may be such, and act accordingly.

In witness whereof we have hereunto set our hands and seals this 1st day of June anno. Domini 1743.

John Cooper junior ☉ his mark. (L.S.)	Daniel Cooper ☉ his mark. (L.S.)
347 John Cooper ☉ his mark. (L.S.)	Jo Cooper ☉ his mark. (L.S.)
John Noneluch ☉ his mark. (L.S.)	Sam Cooper ☉ his mark. (L.S.)
Ben Tapshu ☉ his mark. (L.S.)	David Tobe ☉ his mark. (L.S.)
Abram George ☉ his mark. (L.S.)	George ☉ his mark. (L.S.)
James Robbins ☉ his mark. (L.S.)	John Johnson ☉ his mark. (L.S.)
Tom George ☉ his mark. (L.S.)	Bumbauzoo ☉ his mark. (L.S.)
Philip ☉ his mark. (L.S.)	Junco ☉ his mark. (L.S.)
Noah Choucho ☉ his mark. (L.S.)	Wetifin ☉ his mark. (L.S.)
Zacherie ☉ his mark. (L.S.)	Jacob Honcoat ☉ his mark. (L.S.)
John Cenacut ☉ his mark. (L.S.)	David Noneluch ☉ his mark. (L.S.)
John Uncas ☉ his mark. (L.S.)	Wequat ☉ his mark. (L.S.)
Young John Uncas ☉ his mark. (L.S.)	Jo Webux ☉ his mark. (L.S.)
Jo Ashpo ☉ his mark. (L.S.)	Chequibe ☉ his mark. (L.S.)
Solomon Chauchegun ☉ his mark. (L.S.)	Cyrus Ashconend. (L.S.)

John

John Nannapoom ☼ his mark. (L. S.)	Ben Squuntop ☼ his mark. (L. S.)
Joshua Nonfuch ☼ his mark. (L. S.)	Sam Saux ☼ his mark. (L. S.)
Tooto ☼ his mark. (L. S.)	Simon Quacheech ☼ his mark. (L. S.)
Solomon Cooper ☼ his mark. (L. S.)	David Shantup ☼ his mark. (L. S.)
Mofes Shantup ☼ his mark. (L. S.)	Jehu ☼ his mark. (L. S.)
John Ashpo junior ☼ his mark. (L. S.)	Samuel Ashpo. (L. S.)
Daniel Cooper junior ☼ his mark. (L. S.)	Tho. Quackcheeck. (L. S.)

348

Witnesses present at signing and sealing,

Elijah Tracy,
John Brown.

Old Saux ☼ his mark. (L. S.)	Jo Tanner ☼ his mark. (L. S.)
Wemufcum ☼ his mark. (L. S.)	Old John Nannapoom ☼ his mark. (L. S.)
Cenafcut ☼ his mark. (L. S.)	Obadiah Tanner ☼ his mark. (L. S.)
John Cheefhunk. (L. S.)	

Old Saux, Wemufcum, Cenafcut, John Cheefhunk, Jo Tanner, old John Nannapoom, and Obadiah Tanner, signed and sealed the 2d day of June 1743, at Mohegan, before us,

Witnesses,

Elifha Tracy,
John Hutchens.








Jonus Sunfemon ☼ his mark. (L. S.)	Oweneco ☼ his mark. (L. S.)	} All between the age of ten and twelve years.
Jo Ashpo junior ☼ his mark. (L. S.)	Abel Afcomcul ☼ his mark. (L. S.)	
Isaac Sunfemon ☼ his mark. (L. S.)	Amos Neefatanner ☼ his mark. (L. S.)	
Peter Saux ☼ his mark. (L. S.)	Jo Chequibe ☼ his mark. (L. S.)	
Nenifchoump ☼ his mark. (L. S.)	Jo Cooper ☼ his mark. (L. S.)	
Ephraim Sampson ☼ his mark. (L. S.)	John Robbin ☼ his mark. (L. S.)	
Peter Tobee ☼ his mark. (L. S.)	Robert Athpo ☼ his mark. (L. S.)	
Charles Chanchaw ☼ his mark. (L. S.)	Samuel Ashpo ☼ his mark. (L. S.)	
John Robin ☼ his mark. (L. S.)	Thomas Quochets ☼ his mark. (L. S.)	
Robert Ashpo ☼ his mark. (L. S.)		

349

Signed, sealed in presence of us,

Richard Hide,
John Hutchens.

Philip Tatapan. (L. S.)	John Hanfomet. (L. S.)
John Ashpo ☼ his mark. (L. S.)	Nefotanna ☼ his mark. (L. S.)
Thomas Quejuck. (L. S.)	Anmon Garret ☼ his mark. (L. S.)

Cato Johnson. (L. S.)	Ben Motch  his mark. (L. S.)
Pow Chuckhedge  his mark. (L. S.)	George Muckirs  his mark. (L. S.)
Peter Tantowontocot  his mark. (L. S.)	Sam George  his mark. (L. S.)
Simon Quawcheat  his mark. (L. S.)	Job Noffitwaint  his mark. (L. S.)

The names of these persons and their marks was fixed and sealed in the presence of us this 22d day of June 1743,

Witnesses,

Elisha Hide,
John Waterman junior.

350

The deposition of *John Chandler*, of lawful age.

This deponent testifies, that some time in or about the year of our Lord 1700, one Mr. Nathaniel Foot (a gentleman of the law) who usually practised in the courts of this colony (as this deponent understood) came to the house of this deponent in New London, where he then lived, and Oweneco, the Sachem of Moheagan, was there also, and several other persons; and after some cheerful talk, the said Sachem signed a deed prepared by said Mr. Foot, which this deponent understood contained the township of Colchester. And further this deponent testifies, that, according to the best of his remembrance, the consideration paid to said Sachem, *in liquor and money*, by Mr. Foot, exceeded not *the value of about five or six shillings*; and inasmuch as the consideration paid was so very *inconsiderable*, and Mr. Foot *having often*, in the hearing of this deponent, spoken very diminutively of *native rights*, which he seemed utterly to *despise*, this deponent apprehended no other but that the *said deed was a jest*, and designed to be improved no otherwise *than to shew what an Indian would do when gratified with a little liquor and a little money*. And further this deponent testifieth not.

JOHN CHANDLER.

Norwich, July 22, 1743.

The said John Chandler was sworn in court to the truth of the above testimony.

Test. Daniel Huntington, clerk to the court of commissioners.

Col. *John Chandler* being cross-examined upon oath, respecting a writing exhibited in court, dated June 19, 1699, purporting to be a deed from Oweneco, upon viewing the deed, and his name thereto subscribed as a witness, declared in court his name to subscribed to be his own hand-writing.

351 Further saith, that those words which are on the back of the said deed, purporting Oweneco's acknowledgment of it, are also his the deponent's own proper hand-writing.

Further saith, that the words Daniel Wetherell, assistant, subscribed to the said words, importing said acknowledgment, were (as he really believes) written by the said assistant's own hand, wherewith he declared himself well acquainted. And saith, that at that time of executing said writing, there were none, either English or Indians,

Indians, any way disguised with liquor, nor any thing like it, *but Oweneco was something chearful and magnanimous.* Further saith, that at the time of his writing said acknowledgment *he conceived the whole transaction to be in jest*; and that when he first heard that Capt. Wetherell had taken the acknowledgment, he was surprized, and he then thought Mr. Foot to be in earnest; and that he never thought Oweneco to have been in jest about it, but thought that at that time of giving said deed, he, said Oweneco, *had a mind to get a little liquor and a little money.* And further saith, that he did not hear them make their bargain, nor declare the consideration of the said deed, and that he never knew nor heard of any consideration *than about five or six shillings in money and liquor*: and saith, that one reason why he thought that transaction to have been in jest was, *because he understood Oweneco to be then under guardianship, and could not sell any of his lands without consent of his guardian*; and that some time before the court of commissioners at Stonington, he was desired to recollect the circumstances which attended the making and executing said deed.

JOHN CHANDLER.

Norwich, } At a court of commissioners, July 22, 1743, the above was sworn
ff. } to in court.

Test. D. Edwards, cler. cur. commiss.

The deposition of John Chandler of Woodstock, aged seventy-three years.

Testifieth, that he has been acquainted with the tribe of the Moheagan Indians for the space of about fifty years, and well knew Oweneco the chief Sachem, and his son Mahomet, and the present John Uncas, whom this deponent ever understood to be a descendant from Uncas, father of said Oweneco, *and always treated him as being of the royal family of the said Moheagans tribe.* And further the deponent testifieth, that during the course of the several wars with the Indians since the year 1688, he had a superintendency over the Moheagan, and Pequot, and Niantick Indians, when they went forth on hunting; and directed them, by order of the government of the Massachusetts, where to hunt, and what sign to wear, that if they met with any of the English scouts they might not be exposed, by which means he became the more acquainted with those nations; and that the above-named John Uncas often went out on hunting, and the Moheagan Indians used to acknowledge him as a *Sunchim*, or a great man of that tribe; and that Major Ben Uncas, father of the present Ben (who used sometimes to hunt) said the present John was his cousin, *almost* his brother. And further this deponent testifieth not.

JOHN CHANDLER.

Norwich, May 30, 1738.

Upon interrogation the deponent saith, that the word Sunchim signifies, as he understood it, a great man, one of the royal family, inferior in dignity to a Sachem.

JOHN CHANDLER.

353 The deposition of John Amos of Preston, aged about seventy years:

Testifies, that he has been acquainted with the Moheagan Indians and their customs ever since he can remember; and that he has known Uncas, the father of Oweneco, and that he was universally acknowledged to be the chief Sachem of the Moheagan Indians; and that after his death Oweneco was the chief Sachem of the Moheagan Indians, being the eldest son of Uncas; and that the said Oweneco had three sons, viz. Josiah, Mahomet, and Caesar; and that the said Josiah and Caesar died and left no male heirs, but each of them a female; and that Mahomet left a male issue, named Mahomet, who he hears died in Old England not long since. Further he testifieth, that Oweneco had brothers, viz. John and Ben, and that John, the father of this present John who has pretensions to be Sachem, was older than the father of this present Ben who has pretensions to be Sachem. And further he testifieth not.

Norwich, May 30, 1738.

JOHN AMOS.

The testimony of Thomas Waterman and William Hide, both of Norwich, being each of the age of sixty-eight years.

354 They testify and say, that they were born in the town of Norwich, and have dwelt in said town ever since in a general way. And further they say, they have been ever since their childhood acquainted with the Moheagan Indians, and knowing to considerable of their circumstances. And the deponents testify and say, they knew old Uncas, the Grand Moheagan Sachem, and four of his sons, and that Oweneco, son of said Uncas, was his eldest son, and succeeded his father in his Sachemship. And further the deponents testify, that John Uncas, father of the present John Uncas, who claims a right to the Sachemship, was the second son of the said old Uncas; and further they say, that Jo Uncas or J-u-den was the third son of the said old Uncas: and they also say, that Ben Uncas (the father of the present Ben who challenges the sachemship) was said old Uncas's fourth and youngest son that ever they knew. And further the deponents testify, that the abovesaid Oweneco had three sons, viz. Josiah, Mahomet, and Caesar; and that Josiah and Caesar died without any male issue; and that the said Mahomet had but one son, and his name was Mahomet, which they hear died in Old England. And further the deponents say, that they always understood by the Indians that Mahomet, the father of Mahomet, who they hear died as aforesaid, would next have succeeded the said Oweneco in the Sachemship had he outlived Oweneco his father; but the said Mahomet died before Oweneco his father, and leaving no male child but Mahomet his son, then but a child for age, who they hear died in Old England as aforesaid, Caesar the youngest son of the said Oweneco did succeed him in the Sachemship. And they further testify, that John Uncas, who now claims right to the Sachemship, hath ever denied and disowned Ben, the father of the present Ben, and the present Ben his son, to be rightful Sachems, and did therefore desert his usual habitation; the reason whereof he said to be because he had a better right to the Sachemship than they.

WILLIAM HIDE,
THOMAS WATERMAN.

Upon

Upon interrogation the deponents say, that Mahomet the younger *died without any male issue*, but that they heard that he left a daughter. And they further say, that Cæsar, Major Ben Uncas, and the present Ben Uncas, have been successively reputed Sachems. And Mr. Waterman adds, that fondry of the Indians have *usually denied* Major Ben and the present Ben to be chief Sachems of the Moheagan Indians, and that *soon after* the choice of Major Ben and the present Ben: and he adds, that the Indians said Mahomet *was a child* when Major Ben was chose; but that when Mahomet grew up, *he ought to be Sachem*. 355

WILLIAM HIDE,
THOMAS WATERMAN.

Thomas Rose's deposition.

Thomas Rose, aged about eighty-three years, dwelling near the place where the Moheagan and Pequot Indians did use to come together to play Rungou-hum; so that he became acquainted with the Moheagan Sachem Oweneco and his kindred, which Oweneco was the eldest son of the Grand Sachem Uncas; and John Uncas, father of the present John, was the *second* son of the said Sachem Uncas; and Joseph Uncas was the *third* son; and Ben Uncas the father of the present Ben, was the *fourth* son of the said Sachem Uncas; and I afterward understood that Ben, the said *fourth* son of said Grand Sachem Uncas, was born of *an inferior* squaw, who was Poxon's daughter, and that after the said Ben grew up, he took Afinchunk's daughter to be his squaw; and Oweneco used to speak very *diminutively* of the said Ben Uncas and his squaw. When the present Ben Uncas was grown a pretty hardy boy, he was sent to Stonington to learn to speak English of Captain John Mafon's sons. And further he testifieth, that some time after the death of said Oweneco, the Moheagans, Pequots, and Niantick Indians, gathered themselves together at Moheagan to make a Sachem, and I went two or three times amongst them; and I understood by the Indians, that they *would make young Mahomet*, who went to England with Captain Mafon, *their Sachem*; but the Indians said, *old Ben* (the father of the present Ben) *would kill young Mahomet* if he should be made Sachem, and *therefore* young Mahomet *would not accept of the Sachemship*; and Captain Mafon understanding the difficulty amongst the Indians, and to prevent murder amongst them, persuaded the Indians to make Ben their Sachem. And further saith not.

May 30th, A. D. 1738.

THOMAS ROSE.

Upon interrogation the deponent further saith, that the Indians were together about a fortnight before they chose their Sachem Major Ben; then they did it by the persuasion of Captain Mafon, as he was informed by the Indians.

THOMAS ROSE.

Testimonies of Joseph Tracy junior and Jabez Crocker.

Joseph Tracy junior, aged about thirty years, and Jabez Crocker of Norwich, aged about thirty-four years, both of Norwich, in the county of New-London and colony of Connecticut, in New-England, testifieth and saith, that on the

356

12th day of September, A. D. 1736, they were on the Indian land at Moheagan present with a very great number of Moheagan Indians, as we supposed universally met at a meeting which they call a black dance: and whereas they were then informed, that *endeavours were made by some English persons* to prove that Ben Uncas was their *rightful Sachem*, and being importuned by the said Indians in general, but especially by some of the chief of the said Indians, which were said to be Moheags, to take notice of *their minds in that affair*; and accordingly the matter was put to vote among said Indians by said Indians, and the vote was universal in the favour of Mahomet, grandson of Oweneco, late Sachem of Moheagan, to be their Sachem, whom the deponents understand to be the same Mahomet which was then in England, and there died; which Mahomet they understand to be the *great grandson of Uncas*, the former *Grand Sachem* of Moheagan, and that the said meeting was in Moheagan, the general seat and rendezvous of the said Indians, and that they observed none of the said Indians to be in the negative in said vote; and that the deponents then inquired of the said Indians, whether they desired that Mahomet should take the measures that he then did? they answered, *they approved of Mahomet's proceedings in his memorial in their behalf in England*; and farther signified the one principal cause of their meeting or dance was to establish Anne the daughter of Caesar, which Caesar was *younger brother to Mahomet*, father of the aforementioned Mahomet, to be their ruler until Mahomet returned, and for him to be chief when he returned; for they entirely denied Ben Uncas to be their Sachem. And further the deponents say not.

Dated in Norwich, May the 29th,
A. D. 1738.

JOSEPH TRACY junior.
JABEZ CROCKER.

John Waterman's testimony.

John Waterman of Norwich, being of the age of sixty-five years, testifieth and saith, that he was born in the town of Norwich, and has dwelt in said town ever since in a general way. And further he saith, that he has ever since his childhood been acquainted with the Moheagan Indians, and knowing to many of their customs: and he testifieth, that he knew old Uncas, the Grand Moheagan Sachem, and four of his sons, and that Oweneco, son of the said Uncas, was his eldest son, and succeeded his father in his Sachemship. And further he testifieth, that John Uncas, father of the present John Uncas, who claims a right to the Sachemship, was the second son of the said old Uncas. And further he saith, that Jo Uncas or J-u-den was the third son of the said old Uncas. And he also saith, that Ben Uncas, father of the present Ben who challenges the Sachemship, was said Uncas's fourth and youngest son that ever he knew. And further the deponent testifieth, that the abovesaid Oweneco had three sons, viz. Josiah, Mahomet, and Caesar; and that Josiah and Caesar died without any male issue; and that the said Mahomet had but one son, and his name was Mahomet, which he hears died in Old England: and he saith, that he always understood by the Indians, that Mahomet, the father of Mahomet who he heard died as aforesaid, would next have succeeded the said Oweneco in the Sachemship, had he outlived Oweneco his father; the said Mahomet dying before Oweneco his father, and leaving no male child but Mahomet his son, then but a child for age, who he hears died in Old England as aforesaid, Caesar, the youngest son of the said Oweneco, did succeed him in the Sachemship. And he further

ther testifieth, that John Uncas, who now claims a right to the sachemship, hath ever denied and disowned Ben the father of the present Ben, and the present Ben his son, to be *rightful* Sachems. And further he testifieth, that when old Ben was made Sachem, this present John Uncas left Mohegan *until old Ben was dead*; then he returned again and said, that he would take possession of the land, because he was more of a Sachem than Ben.

JOHN WATERMAN.

The report or testimony of Jonathan Barber of Mohegan, with relation to a certain letter which he understood came from the honourable Governor Talbot, Esq; to be communicated to the Indians, is thus, viz. 358.

That there was, in the year 1737, much talk about a war breaking out between the Mohegan Indians and the *eastward* Indians, which caused in the Mohegan Indians a very great fear, even so great that they did *many* of them begin a fort for their *defence*, and sent a post up the country in order to get intelligence what danger they were in; and that they also sent to his honour our governor, desiring that they might have provision from the English or government if their enemies should assault them. Upon which his honour sent *this* letter, of which I am about to speak; which letter I heard read *twice* to the Indians by *John Richards, Esq;* and, according to the best of my remembrance, the substance of it was this:

He first reminds them of former leagues or agreements that they had entered into with the government of Connecticut, and that the government had always treated with them *in and by their Sachems*. Further he informs them, that he had heard that many of them had been active in setting up a queen among them, and had forsaken Ben Uncas their Sachem. His honour manifested a *displeasure* at their proceeding, and did exhort them to peace and unity, and made particular mention of Sam the brother of this Ben Uncas (who was looked upon then to be the ringleader of the party, and who had appeared, or did afterwards *openly* appear, before his honour, in opposition to Ben his brother) exhorting him to love *his* brother, or he blames him for *not* doing so; and his honour told them in the letter, that if they would set up a queen or *impostor*, and not own Ben Uncas for their Sachem or king, that they would *protect only Ben and his family, with those that adhered to him*. And further he said, that if they would return to Ben, and own him for their Sachem, *that he did not know*, but that he or the government might protect them. And further the deponent testifieth not.

Norwich, May 31, 1758.

JONATHAN BARBER.

Thomas Stanton's testimony.

359

Thomas Stanton of Preston, being sixty-eight years of age, testifieth and saith, that upwards of fifty years ago, Uncas, Grand Sachem of Mohegan, and his son Oweneco, together with eleven or twelve of his waiters or council, came to my father's house at Stonington, in order to get my father to *write his will*, which he did; and I then heard the chief Sachem Uncas discourse concerning his sons, beginning at Oweneco, *who was his eldest son*, to whom he said the *sachemship would descend*

O o o.

after

after his death; and he also owned Joshua his second son and John his third son to be his lawful children; but as for Ben, who was his youngest son, the said Sachem Uncas said *he was poquiem (that is, half-dog) because he said he begot him in a frolick of a poor beggarly squaw, not his wife.* And further he saith not.

June the 1st 1738.

THOMAS STANTON.

Jonathan Barber's testimony.

Jonathan Barber, of lawful age, testifieth, that he actually saw a number of Indians sign an instrument, bearing date March 1, 1738, now produced in court, unto which he is a witness; and that the instrument was so *explained* to them, that they with *one voice* declared *that they understood the nature of it.* And further the deponent testifieth not.

Norwich, May 31st 1738.

JONATHAN BARBER.

Upon interrogation, the deponent further saith, that among the signers of the abovesaid instrument, he knows of but nineteen that dwell at Moheagan who are upwards of sixteen years old; and that the whole number upwards of sixteen years old of the males inhabiting the Moheagan lands is about thirty.

JONATHAN BARBER.

360

John Morgan's testimony.

John Morgan, of lawful age, testifieth, that he actually saw a number of Indians sign an instrument, bearing date March the 1st 1738, now produced in court, unto which he is a witness; and that the instrument was so *explained* to them, that they with *one voice* declared *that they understood the nature of it.* And further the deponent testifieth not.

Norwich, May 31, 1738.

JOHN MORGAN.

The preceding depositions of John Chandler, John Amos, Thomas Waterman, and William Hide, Thomas Rose, Joseph Tracy, and Jabez Crocker, John Waterman, Jonathan Barber, Thomas Stanton, and Jonathan Barber and John Morgan, which are contained * in this and the eight next immediately preceding pages [of the original], were all given in upon oath at the court of commissioners at Norwich in May and June 1738.

Deed from Uncas and others to Norwich, 6th June 1659.

Know all men, that Uncas, Oweneco, Attawanhood, Sachems of Moheagan, have bargained, sold, and passed over, and by these presents sell and pass over, unto the town and inhabitants of Norwich *nine miles square* of land, lying and being at Moheagan and parts thereunto adjoining, with all ponds, rivers, woods, quarries, mines, with all royalties, privileges, and appurtenances thereunto belonging, to them the said inhabitants of Norwich, their heirs and successors for ever. The said

* Page 232 of the print to the present page.

lands

lands are to be bounded as followeth, viz. to the southward, on the west side of the Great River, the line is to begin at the brook falling into the head of the Trading Cove, and so to run west north-west seven miles; from thence the line to run north north-east nine miles; and on the east side the aforesaid river to the southward the line is to join with New-London bounds as it is now laid out, and so to run east two miles from the aforesaid river; and so from thence the line is to run north north-east nine miles; and from thence to run north north-west nine miles to meet with the western line: in consideration whereof, the said Uncas, Oweneco, Attawanhood, do acknowledge to have received of the parties *the full and just sum of 70 l.* and do promise and engage ourselves, heirs, and successors, to warrant the said bargain and sale to the foresaid parties, their heirs and successors, and them to defend from all claims and molestation from any whatsoever. In witness whereof we have hereunto set our hands this 6th of June anno. 1659. 361

Witnesses hereunto,
John Mason,
Thomas Tracy.

Uncas Δ his mark.
Oweneco \odot his mark.
Attawanhood \odot his mark.

This deed recorded in the country-book, August 20th 1663.

Telf. John Allyn, secretary.

Here truly and rightly entered and recorded, and compared with the original,
Per James Fitch, assistant.

A true copy of record, extracted from Norwich records.

Examined per Isaac Huntington, town-clerk.

We do certify, that all the copies of the foregoing papers, deeds, instruments, evidences, and writings, from * page 324 to 362 [of the original] are true copies of the papers, deeds, instruments, evidences, and writings exhibited before Cadwallader Colden, Philip Cortland, Daniel Horsmanden, John Rodman, and Robert Hunter Morris, Esqs. on behalf of the Moheagan Indians, in the cause or controversy between the governor and company of Connecticut and the said Moheagan Indians, heard and determined before them, as the same are contained in the original book of proceedings by them certified, the same having been compared and examined by us. Witness our hands at New-York this 31st day of January 1744. 362

PHILIP CORTLAND,
HENRY LANE,
DAN. HORSMANDEN.

TENANTS EXHIBITS.

Oweneco's deed to Jonathan Rogers, 12th November 1698. 363

Be it known by these presents, that I Oweneco, Sachem of Moheagan, in the colony of Connecticut in New-England, do of my free-will freely give, grant, and make over to Jonathan Rogers *a cripple*, son to Samuel Rogers of New-London

* Page 213 of the print to the present page.

in the colony aforesaid, for and in consideration *for his lameness*, and also for the *continual* kindness which his parents have shewed to me and my children, a tract of land lying easterly from the pond, called *Ohsopayssurt*, being bounded on the east with land formerly sold to Samuel Rogers, and southerly with a brook as cometh out of said land, the south-west corner being bounded with a white oak-tree marked on four sides; so running northwardly, over Hartford-path, down the hill to swamp, to a walnut-tree marked on four sides; from thence eastwardly by said swamp to an ash-tree; thence southerly to Samuel Rogers his corner, and so along said Rogers his line to the aforesaid brook; the aforesaid land lies easterly of land which I gave to Theophilus Stanton: which tract of land I the aforesaid Oweneco, Sachem, do hereby engage, for myself, my heirs, executors, administrators, and assigns, that the said Jonathan Rogeas, his heirs or assigns, shall quietly and peaceably enjoy, possess, improve, or dispose of the same tract of land, with trees, wood, brook, stones, or any other privileges or appurtenances thereto belonging, without let, hindrance, or molestation from me or any other person or persons whatsoever; and hereby be it known, that I Oweneco, Sachem, was the true owner of the aforesaid land, free from *all* incumbrances whatsoever, before I gave it to the aforesaid Jonathan Rogers.

Witness my hand and seal this 12th day of November in the year 1698.

Signed, sealed, and delivered
in presence of

Oweneco ☉ his mark. (L. S.)

Mashuick ☉ his mark,
John Stanton senior,
Theophilus Stanton.

364 Oweneco personally appeared before me 14th day of November 1698, and acknowledged the above-written to be his act and deed,

DANIEL WETHERELL, assistant.

Extracted out of the original, and recorded by me,

Daniel Wetherell, recorder, January 7th 1698-9.

A true copy of record,

Examined per Edward Hallam, town-clerk.

Oweneco's deed to Jonathan Hill, 14th January 1703.

Know all men by these presents, that I Oweneco, Sachem of Mohegan, for and in consideration of the *great adventure* that my loving friend Mr. Jonathan Hill of New-London did personally make, with much hazard to himself, to save my life when I was in imminent danger of death *by drowning*, about half a year before the signing of these presents, have given and granted, and do by these presents give and grant unto the said Jonathan Hill (with the concurrence of Captain Samuel Mason, this by writing signified to me) *one hundred acres of land*, to be taken up by the said Hill in those lands which *yet remain undisposed* of by me to the English, and in such place

place of those lands as the said Hill shall make choice of; and I do hereby empower the said Hill to procure the said land so given to him to be laid out and bounded by a skilful surveyor; and do engage for myself and my heirs, and to give to the said Hill a very full and ample deed of the said land so given to him and bounded, to be to him and his heirs for ever, and to do at all times whatsoever shall be further requisite in the law to quit and secure to the said Hill and his heirs for ever the enjoyment of the said lands.

In testimony whereof I have hertunto set my hand and seal this 14th day of January anno. Domini 1703-4.

In prence of

John Prents,
John Plumbe.

Oweneco ☉ his mark. (L. S.)

January the 14th 1703-4, Oweneco, Sachem of Mohegan, personally appeared, and acknowledged the above instrument to be his free act and deed, before me

365

DANIEL WETHERELL, affiant.

I Oweneco do hereby appoint Captain John Prents of New-London, or any other suitable person, to survey to Jonathan Hill the above hundred acres of land given him by me, and to bound it out: as attest my hand this 14th of January 1703,

Oweneco ☉ his mark.

August 14th 1705, recorded in the book of records, fol. 93.

Per me Daniel Wetherell, recorder.

Oweneco's deed to Elizabeth Tonge, 14th November 1698.

Be it known to all people, that I Oweneco, Sachem of Mohegan, in the colony of Connecticut in New-England, having received *many* kindnesses of *Mrs. Elizabeth Tonge*; and understanding that her father Mr. George Tonge gave her a piece of land which now is found within my bounds (which piece of land, be it one hundred acres more or less, as it stands in the records of New-London) the north-west end being bounded by land formerly sold to Samuel Rogers, the south-west corner being a white oak marked on two sides with ET, and the north west corner with a black oak-tree marked on two sides with ET; both which trees are side-trees to the said Samuel Rogers, the north-east corner being an ash-tree in a swamp, and the south-east corner a walnut-tree, both being marked with ET on two sides: which parcel of land above said I Oweneco, Sachem, do of my good-will freely give and bestow upon the above said Mrs. Elizabeth Tonge, her heirs or assigns for ever; and do hereby engage for myself, my heirs, executors, administrators, and assigns, that the above said Mrs. Elizabeth Tonge, her heirs, executors, administrators, or assigns, shall quietly and peaceably possess, enjoy, improve, or dispose of the said land, with the trees, brooks, springs, stones, with any other appurtenances or privileges thereto belonging, without let, hindrance, molestation, or objection from me the above said Oweneco, or any other


366

P P P

person

person or persons whatsoever. As witness my hand in New-London this 14th day of November in the year 1698; as witness also my seal being thereto placed.

In the presence of
Samuel Rogers,
Moses Dimond.

Oweneco  his mark. (L. S.)

November 14th 1698, Oweneco, Sachem of Mohegan, personally appeared and acknowledged the above instrument to be his free act and deed, before me

DANIEL WETHERELL, assistant.

Recorded in the 6th book of records, folio 342, August 17th 1714,

Per me Daniel Wetherell, recorder.

Oweneco's deed to Samuel Rogers, 29th April 1693.

Know all men by these presents, that I Oweneco, Sachem of Mohegan, have sold, alienated, past, and made over unto *Samuel Rogers* one hundred and forty acres of land on the west of my new living, and on the west of Saw-mill brook, and adjoining to it; for which land I acknowledge to have received a *coat*, and for the remainder *he is to build me a barn* of sixteen feet in length, twelve feet in breadth, and seven feet between joints, and to set it up in Mohegan fields, near where I commonly plant: the land being bounded as followeth; beginning on the south-west side of the Saw-mill brook, at an ash-tree marked on four sides, and running sixty rods south-west to a chestnut-tree marked on four sides; from thence south east two hundred and seventy rods to a white oak marked on four sides; and from thence to run north-east eighty rods to the Saw-mill brook, the brook being the north-west side of said land: and for a more full confirmation of the same, I do engage, for myself, heirs, executors, administrators, and assigns, that the abovesaid Samuel Rogers, his heirs and assigns, shall use, possess, improve, enjoy, and dispose of the same, without let, hindrance, molestation, or objection from me or any under me, or any person or persons whatsoever, having given the abovesaid Samuel Rogers full possession by turf and twig. As witness my hand and seal this 29th day of April 1693.

Signed, sealed, and delivered in presence of

William Maynard,
Israel Dodge,
Richard Scirett.

The mark  and seal (L. S.) of Oweneco.

May 1st 1693, Oweneco personally appeared, and acknowledged the above instrument to be his free and voluntary act and deed, before me

DANIEL WETHERELL, assistant.

Extracted out of the original, and recorded July 14th 1693,

Per Daniel Wetherell, recorder.

A true copy, taken from New-London records,

Examined per Daniel Coit, town-clerk.

Oweneco's deed to Robert Denison, 11th January 1709.

To all Christian people to whom these presents shall come, Oweneco, Sachem of Moheagan, in the county of New-London, in her majesty's colony of Connecticut in New-England, sendeth greeting:


Know ye, that the said Oweneco, for and in consideration of the sum of 20 l. *current money* of New-England, to him in hand paid before the enfealing and delivery of these presents, by Robert Denison of Sonington, in the county of New-London and colony of Connecticut aforesaid, gent. the receipt whereof, to full content and satisfaction, the said Oweneco doth hereby acknowledge, and thereof and every part thereof, for himself, his heirs, executors, administrators, doth acquit and exonerate and discharge the said Robert Denison, his heirs, executors, and administrators, every of them for ever, by these presents; and for divers other good causes and considerations him thereunto moving, he the said Oweneco hath given, granted, bargained, sold, aliened, enfeoffed, conveyed, and confirmed, and by these presents do fully, freely, clearly, and absolutely give, grant, bargain, sell, alien, enfeoff, convey, and confirm unto the said Robert Denison, his heirs and assigns for ever, two certain tracts of lands, containing, the one is *four hundred acres*, the other tract of land containing *one hundred acres*, be they more or less; they are both situate, lying, and being in the *township of New-London*, in the county and colony aforesaid: the four hundred acres is butted and bounded as followeth; beginning at the southermost side of the little pond commonly called *Opseboxuk*, at a bunch of maple-trees, where a small brook runs into the said pond, and running towards the south-east, and bounding upon the side of the said pond and brook that runs out of said pond one mile to an ash-tree marked; then running towards the south-west two hundred rods to a stooping white oak-tree marked, which tree is a corner tree of James Harris his land, and a side-line tree of the land called *The Atwells*; then running by the side of the said Atwell's land, and land lying common, one mile towards the north-west, to a white oak-tree marked; then running towards the north-east by land lying common, and Oliver Manwaring's land, to the first bounding, being two hundred rods: the other hundred acres are bounded as followeth; beginning at said Manwaring's south-east corner-tree, being a crooked white oak standing on a small rocky knoll on the side of a hill, and so running towards the south-west one hundred rods to a white oak-tree marked, which tree is the south-west corner-tree of the aforesaid four hundred acres; and then running eightscore rods towards the north-west to a tree marked; then running towards the north east to a chestnut-tree, which tree is the aforesaid Manwaring's south-west corner-tree; together with all such rights, liberties, profits, privileges, commodities, appurtenances, as in any kind appertaining thereunto, with the reversions and remainders thereof, and all the estate, right, title, interest, inheritance, possession, claim, and demand whatsoever of him the said Oweneco of, in, and to the same, and every part thereof: to have and to hold all the above-granted premises, with all and singular the appurtenances thereof,

370 unto the said Robert Denison, his heirs and assigns, to his and their own proper use, benefit, and behoof from henceforth for ever: and the said Oweneco, for himself, his heirs, executors, administrators, and all other person or persons whatsoever or howsoever any way concerned, doth hereby covenant, promise, grant, and agree to and with the said Robert Denison, his heirs and assigns, in manner and form following; that is to say, that at the time of the enfealing and delivery of these presents, the said Oweneco is the true, sole, and lawful owner of all the afore-bargained premises, and stands lawfully seised thereof in his own proper right of a good, perfect, and indefeasible inheritance and estate in fee-simple, having in himself full power, good right, and lawful authority to sell and dispose of the same in manner as aforesaid; and that the said Robert Denison, his heirs and assigns, shall and may henceforth for ever lawfully, peaceably, and quietly have, hold, use, occupy, possess, and enjoy the above-granted premises, with the appurtenances thereof, free and clear, and clearly acquitted and discharged of and from all and all manner of former and other gifts, grants, bargains, sales, leases, mortgages jointures, dowries, judgments, executions, entails, troubles, charges, incumbrances whatsoever had, made, committed, done, or suffered to be done by the said Oweneco, at any time or times before the enfealing and delivery hereof. And further the said Oweneco doth hereby covenant, promise, and oblige himself, and his heirs, executors, administrators, from henceforth and for ever hereafter, to warrant and defend all the above-granted premises, and the appurtenances thereof, unto the said Robert Denison, his heirs and assigns, against the lawful claims and demands of all and every person or persons whatsoever; and at any time or times hereafter, on demand, to give and pass such further and ample assurances of confirmation of the premises unto the said Robert Denison, his heirs and assigns for ever, as in law and equity can be reasonably desired, devised, advised, or required.

In witness whereof the said Oweneco hath hereunto set his hand and seal the 11th day of January in the year of our Lord 1709, and in the eighth year of our sovereign lady Anne, queen of Great Britain, &c.

Signed, sealed, and delivered
in presence of us,

Samuel Rogers junior,
Paul Wentworth.

Oweneco  his mark and (L. S.) seal.

Oweneco, Sachem of Moheagan, grantor of the above-mentioned lands, and the subscriber to this deed, appeared personally, and acknowledged the above-written deed of sale to be his own free and voluntary act and deed, this 11th day of January 1700, before me

THOMAS BOLLIS, justice of peace.

Extracted out of the original, and recorded January the 18th 1709-10.

Per Daniel Wetherell, recorder.

A true copy taken from New-London records.


Examined per Daniel Coit, recorder.

Oweneco's deed to John Plumbe, 3d April 1707.

371

Whereas I Oweneco, Sachem of Moheagan, did, on the twentieth day of December one thousand and seven hundred and three, pass over to *John Plumbe* of New-London *one hundred acres of land*, and to his heirs and assigns, as may more fully appear; the which was in consideration of many kindnesses received of him, but more especially for his good service towards me in the time of my extremity when almost drowned by falling out of a canoe in the night, and by his endeavours and help, with the assistance of Jonathan Hill, I was taken alive out of the water: also I did empower the said Plumbe to look out the said land in any of my lands, and get it laid out by Captain John Prents, county surveyor; and I am now informed that it is surveyed about two years since or more, as may be seen by the survey; and is butted and bounded as follows, lying north-west or thereabouts, about sixty rods from land, where now John Tongue dwells, beginning at the north-east corner, a great white oak-tree standing by a ledge of rocks, marked on four sides, and on the south side I. P. thence north north-west, five degrees westerly, two hundred rods, by a ledge of rocks to a great rock on a hill with two birch trees growing out of the end; thence west south-west ninety five rods over the hill to a chefnut-tree, with a small one growing by it, marked on the north side I. P. standing at the end of a swamp; thence east, south-east nearest two hundred rods to a black oak tree, marked on the north side I. P. thence northerly seventy-eight rods to the first bounds: the which land butted as aforesaid, I Oweneco Uncas above said, do, for myself, my heirs, executors, administrators, covenant, promise, and grant, to and with the above said John Plumbe, his heirs, assigns, shall and may peaceably and quietly have, hold, use, occupy, and improve the said land, butted and bounded as above said, with all the privileges and appurtenances thereunto belonging, without let, hindrance, and molestation of me, my heirs, executors, and administrators; and that it shall be and is to the only proper use, benefit, and behoof of the said John Plumbe, his heirs and assigns for ever. And further, I Oweneco Uncas my heirs, executors, administrators, shall and will warrant and defend the above said land and appurtenances unto the said John Plumbe, his heirs and assigns, from time to time and at all times for ever hereafter for ever, against all persons whatsoever lawfully claiming or demanding the same or any part thereof. In witness whereof I have hereunto set my hand and seal this third day of April, in New-London, anno. Domini one thousand seven hundred and seven.

372

Oweneco  his mark. (L. S.)Signed, sealed, and delivered
in presence ofJohn Edgcomb,
John Arnold.

New-London, April 3d 1707.

Oweneco appeared before me and owned the above-written to be his free act
and deed.

DANIEL WETHERELL, assistant.

Transcribed out of the original, and recorded April 21st 1707,
Per Daniel Witherell, recorder.

A true copy taken from New-London records.

Examined per Daniel Coit, recorder.

Q q q


Oweneco's

Oweneco's deed to Jonathan Hill, 3d April 1707.

- § 73 Whereas I Oweneco, Sachem of Moheagan, did, December one thousand seven hundred and three, pa's over to *Jonathan Hill* of New-London *one hundred acres* of land, and did then impower him to look out a place for it to lie, and to get Captain Prents, or some other suitable person, to lay it out; which land is in consideration of manykindnesses received from him, but more especially for his good services done me in the time of my extremity, when almost drowned by falling out of a canoe in the night, and by his endeavour and help, with the assistance of John Plumbe, I was taken alive out of the water; and I am now informed that the said land is now surveyed and bounded, lying about fifty rods north-west from land where now John Tonge dwells; bounded as followeth, beginning at the north-east corner at a black oak-tree, standing eastward of a narrow swamp, marked on the north side I. P. and on the south side I. H. thence north north-west, six degrees westerly, two hundred rods, to a chefnut-tree by the east end of a swamp, with a young one growing out of the root, marked on the north side I. P. thence west south-west ninety six rods over a swamp and over a big brook to a large white oak, standing by a rocky gutter; thence east south-east two hundred rods, to a chefnut-tree joining to a rock, marked stones on the rock, on the side of a hill; thence east north-east seventy-eight rods; to the first bounds; bounded northerly with land I have granted to John Plumbe for the above-said service: the which land, butted and bounded as above-said, I Oweneco Uncas above-said do, for myself, my heirs, executors, administrators, covenant, promise, grant to and with the above-said Jonathan Hill, his heirs and assigns, shall and may peaceably and quietly have, hold, use, occupy, possess, and enjoy the above-granted premises, with all the privileges and appurtenances thereunto belonging, without let or molestation of me, my heirs, executors, administrators; and that it is to the only proper use, benefit, and behoof of the said Hill, his heirs and assigns for ever. And further, I Oweneco Uncas, my heirs, executors, and administrators, shall and will warrant and defend the above-granted premises, with their appurtenances, from time to time and at all times for ever, unto the said Hill, his heirs and assigns, against all persons whatsoever lawfully claiming or any ways demanding the same or any part thereof. In witness whereof I have set to my hand and seal this third day of April anno. Dom. one thousand seven hundred and seven.
- 374

Signed, sealed, and delivered
in the presence of

Thomas Trueman,
Richard Darrow.

The mark  and (L. S.) seal of
Oweneco.

April the 5th 1707.

Oweneco, Sachem, personally appeared, and acknowledged the above-written instrument to be his free act and deed, before me

DANIEL WETHERELL, assistant.

Indian Mary was interpreter.

Extracted out of the original, and recorded April 25th 1707.

Per Daniel Wetherell, recorder.

A true copy taken from New-London records.

Examined per Daniel Coit, recorder.


Oweneco⁹³

Oweneco's deed to Charles Hill, 3d April 1707.

Whereas I Oweneco, Sachem of Mohegan, did, on the 20th day of February 1678-9, as may appear by my hand and seal, pass over to Mr. *Charles Hill* of New-London, deceased, for a valuable consideration, four hundred acres of land; two hundred acres were at Pine-swamp and the other to be at the west-side the great pond, and surveyed by Captain Prentis, surveyor, as follows, the bounds of the two hundred acres at said swamp at a heap of stones formerly made at the north-west corner of said Pine-swamp in Mohegan fields; thence south four degrees, easterly two-hundred rods, to an old burnt white oak standing on rising ground towards the stone fort; thence west one hundred and sixty rods to a rock with stones about it; thence north-westerly three degrees, two hundred rods, to a forked red oak marked on four sides C. H. thence east to the first bounds; it is in the north-west corner of the field near the wood land: the other two hundred acres at the great pond; west side is bounded as followeth; on the south side Major Mafon's land, beginning at a Sandy-Cove at the pond on the south side the cove at a white oak-tree marked C. H. I. H. thence west three hundred and fourteen rods to a heap of stones; thence south one hundred and twenty rods to a chefnut-tree marked C. H. and I. H. which tree stands on low land near a grove of oak staddles; thence east three hundred and fourteen rods to a small white oak marked C. H. I. H. near the south end of the pond; thence north one hundred and twenty rods to the first bounds, highways allowed for and rough land: the said lands butted and bounded as above said, with the privileges and appurtenances thereunto belonging, *I Oweneco do*, for the consideration above said, for myself, my heirs, executors, and administrators, give, grant, and confirm to Charles Hill and Jonathan Hill, both of New-London, and to their heirs and assigns for ever, they being the only heirs of Mr. Charles Hill, deceased, to be peaceably enjoyed by them and theirs for ever, without let, hindrance, or molestation from me or mine. And further, I Oweneco, my heirs, executors, administrators, shall and will warrant and defend the above said tracts of land to the said Charles Hill and Jonathan Hill, their heirs, and against all persons whatsoever any ways lawfully claiming or demanding the same or any part thereof. As witness my hand and seal this third day of April one thousand seven hundred and seven.

Signed, sealed, and delivered
in presence of

Thomas Truman,
Richard Darrow.

The mark of  Oweneco. (L. S.)

April 5th 1707.

Oweneco, Sachem, personally appeared, and acknowledged the above instrument to be his free act and deed, before me

DANIEL WETHERELL, assistant.

Indian Mary was interpreter.

Extracted out of the original, and recorded April 25th 1707.

Per Daniel Wetherell, recorder.


A true copy taken from New-London records.

Examined per Daniel Coit, recorder.

Oweneco's deed to John Stanton, 13th July 1691.

378

Know all men by these presents, that I Oweneco, chief Sachem of Moheagan, for and in consideration of *twelve* pounds, as current provision paid at the lawful price stated by the colony of Connecticut in New-England, to me in hand by *John Stanton senior* of Stonington, well and truly paid, the receipt whereof I do hereby acknowledge, and thereof, and of every part and parcel thereof, do fully acquit and discharge the said John Stanton and his, by these presents have and hereby do fully, clearly, and absolutely bargain, sell, give, grant, assign, enfeoff, and confirm unto the said John Stanton, his heirs, executors, administrators, and assigns for ever, *two hundred acres* of land and meadow ground, situate and being westward from our *now planting fields* adjoining or butting upon land formerly given and granted to Mr. Samuel Rogers : to have and to hold the aforesaid two hundred acres of land, with all and singular the meadows, timber, woods, privileges, and appurtenances thereunto belonging, or of benefit or of profit from thence to be had, made, or raised, unto him the said John Stanton, his heirs, executors, administrators, and assigns, to his and their sole use, benefit, and behoof for ever; and I the said Oweneco do, for myself, my heirs, executors, administrators, covenant, promise, and grant to and with the said John Stanton and his, by these presents, that I Oweneco am, before the sealing and delivery hereof, the true and sole owner of the aforesaid bargained premises, and have in myself power and right to sell and dispose of the same as aforesaid, and that the same and every part and parcel thereof are free and clear from all former or other bargains, gifts, grants, titles, charges, or incumbrances whatsoever, and shall and will warrant and defend the same and every part and parcel thereof against all person or persons lawfully claiming or demanding the same, hereby giving and delivering possession, livery and seisin thereof unto the said John Stanton. In witness whereof I have hereunto put my hand and seal, by my usual mark, the thirteenth day of July, anno. Domini one thousand six hundred and ninety-one, and in the second year of their majesties reign, king William and queen Mary, defender of the faith, &c.

Oweneco  his mark. (L. S.)

Signed, sealed, and delivered in the presence of us

Samuel Rogers,	Uqundowock,
Mary Rogers,	Walecowa,
Samuel Gilbert.	Panco,
Wassecon,	Canonot.
Waneremun,	

Oweneco appeared, and acknowledged the above-written, before me

SAMUEL MASON, assistant.

Dated October the 12th 1691.

Oweneco's

Oweneco's deed of two hundred acres at or near Stony-brook by Indian fence, the plain betwixt that and brother Rogers his house, or to take it elsewhere in his territories to contentment, by the desire of

SAMUEL MASON, overfeer.

Extracted out of the original, and recorded July the 15th 1713.

Per Daniel Wetherell, recorder.

A true copy taken from New-London records.

Examined per Daniel Coit, recorder.

Oweneco's deed to Theophilus Stanton, 11th November 1698.

Know all men by these presents, that I Oweneco, Sachem of Moheagan, upon good and deliberate consideration me moving, and more especially for the love and kindness which I bear unto *Theophilus Stanton* of Stonington, of the county of New-London, son of Captain John Stanton, for the sum of *five pounds* current money, and other goods, well and truly paid by the said John Stanton and his, to my satisfaction and content, the receipt whereof I the said Oweneco do hereby acknowledge, and thereof and every part and parcel thereof do acquit, exonerate, and discharge the said Theophilus Stanton, his heirs, executors, administrators, and assigns, from any further claim and demand, do fully, freely, and clearly, and absolutely give, grant, sell, alien and pass over, enfeoff, and confirm unto the said Theophilus Stanton, his heirs, executors, administrators, and assigns for ever, a certain tract of land bounded as follows; it being situate and lying westward from Mr. Samuel Rogers, butted on the pond west called *Abicubogjuk*, it being a hill bearing north and south nearest, crossing a path that goeth to Hartford called *Chefecbachumuck*, to a walnut-tree marked on four sides, and thence north-east nearest to a chestnut-tree marked on four sides; and thence south-east nearest to a white oak-tree, and so to the first-mentioned tree, all and singular every part and parcel thereof, with all the woods, watercourses, rocks, stones, privileges, and appurtenances thereunto belonging, as grass, herbage, or otherwise, as profit, benefit, to the sole use, benefit, and behoof of the said Theophilus Stanton, and his for ever; and I the said Oweneco, before the signing and delivery of these presents, covenant, promise, and engage the aforefaid tract of land free and clear from all former bargains, gifts, mortgages, title, or incumbrance, and I the said Oweneco, my heirs, executors, administrators, and assigns shall and will warrant, defend the above-bargained premises, according to the tenor of these presents, against all person or persons lawfully claiming the same. And in token of further confirmation I the said Oweneco set hereunto my hand and seal 11th day of November, A. D. 1698.

Signed, sealed, and delivered
in presence of us, witnesses

Mashuck his mark,
Samuel Rogers.

Oweneco his mark. (L. S.) 3^o

Stonington, September 2d 1698, Oweneco acknowledged the above-written;
before me

SAMUEL MASON, assistant.

R r r

This

This deed was recorded in the 2d book of records for New-London county on folio 28, the 1st of January 1707.

Per George Denison, county-clerk.

Extracted from the original, and recorded the 12th of June, anno Domini, 1729.

Per Edward Hallam, town-clerk.

A true copy of record.

Examined per Edward Hallam, town-clerk.

This deed contains about five hundred acres of land, with four families now dwelling on the same, and being in number more than thirty persons, as witness our hands September 22d 1736.



JOSEPH OTIS,
JAMES OTIS,
JONATHAN HARRIS.


381

Uncas and Oweneco's deed to Samuel Rogers, 10th March 1676-7.

Know all men by these presents, that we Uncas and Oweneco, Sachems of Moheagan in his majesty's colony of Connecticut in New-England, have, for a valuable consideration in hand received, sold, alienated, passed, and made over unto *Samuel Rogers* of New-London, in his majesty's colony aforesaid, two hundred acres of upland and meadow, which upland and meadow the said Samuel is to take up between the bounds of New-London and Norwich, westward from Moheagan planting fields, where it shall best suit or please the said Samuel to take it up; and for a more full confirmation hereof we, Uncas and Oweneco, Sachems as aforesaid, do hereby covenant and engage, for ourselves, heirs, executors, administrators, and assigns, that the aforesaid Samuel Rogers, his heirs, executors, administrators, and assigns, shall use, possess, enjoy, and improve, or dispose of the same, without let, hindrance, molestation, or objection from us Uncas or Oweneco, or any person or persons whatsoever. As witness our hands and seals this tenth day of March, in the year of our Lord one thousand six hundred seventy and six or seven.

Signed, sealed, and delivered
in the presence of

Uncas  his mark, (L. S.)
Oweneco  his mark. (L. S.)

John Mahew,
Charles Chambers,
William Knights  his mark.

Oweneco,

Oweneco, the now Sachem of Moheagan, appeared the 27th of May 1684, and did acknowledge the instrument above to be his act and deed, and that the mark and seal above was his father's, before me

CHARLES HILL, county-clerk.

[Extracted out of the original deed July 10th 1684,

Per Charles Hill, recorder.

A true copy taken from New-London record.

Examined per Daniel Coit, town-clerk.

Uncas's deed to James Rogers, August 1658.

These presents testifieth, that I Uncas, Sachem of Moheagan, have sold James Rogers of New-London a parcel of ground at Moheagan, the name of the ground is called Pomechage, the one side of it lying by the Great River, of the west side of the river, with a cove at each end, the other side to the main land; and I the said Uncas have left in the said hands of the said James Rogers all which rights, interests, and claims of the said grounds sold to the said James Rogers at New-London; and do hereby truly give and make over the said ground to the said James and his heirs for ever: to have and to hold, use and occupy, to let, sell, without any molestation either by me, or my heirs or executors whomsoever; and do own received full pay for the said ground, and do own myself to have no interest in said ground. Witness my hand this August one thousand six hundred fifty-eight.

Witnesses

William Addes,
Samuel Rogers.

The mark of Δ Uncas,
Sachem of Moheagan.

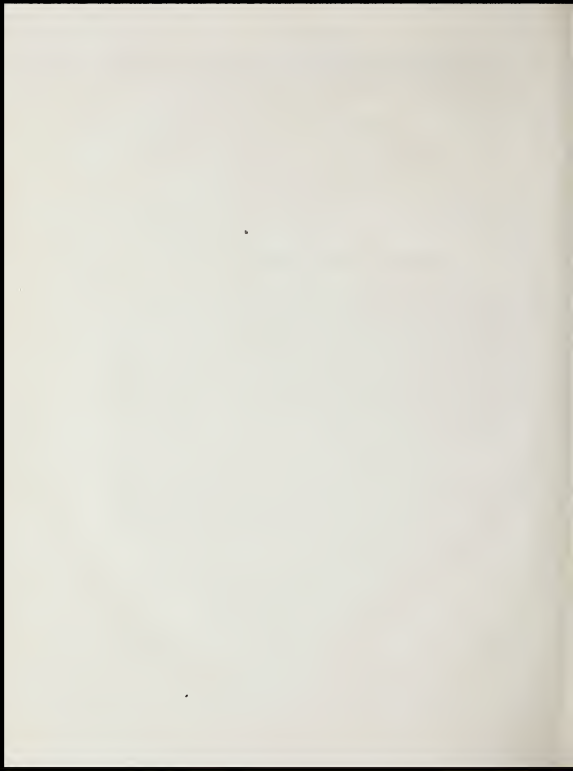
Taken out of the bill under the hand of Uncas,

Per me Obadiah Bruen, recorder.

A true copy taken from New-London records.

Examined per Daniel Coit, recorder.

A B I E F



A
B R I E F H I S T O R Y
O F T H E
Pequot War:

E S P E C I A L L Y

Of the memorable *Taking* of their FORT at MISTICK in
CONNECTICUT, in 1637.

W R I T T E N B Y

Major *John Mason,*

A principal Actor therein, as then chief *Captain* and Commander of
Connecticut Forces.

With an *Introduction* and some Explanatory Notes,

By the Reverend

Mr. THOMAS PRINCE.

Pfal. xiv. 1—3. *We have heard with our Ears, O GOD, our Fathers have told us, what Work Thou didst in their Days, in the times of old: How thou didst drive out the Heathen with thy Hand, and plantedst Them: How Thou didst assist the People and cast them out. For they got not the land in possession by their own Sword, neither did their own Arm save them: but thy right Hand, and thine Arm, and the Light of thy Countenance, because Thou hadst a Favour unto them.*

Pfal. cii. 18. *This shall be written for the Generation to come: and the People which shall be Created, shall Praise the LORD.*

B O S T O N :

Printed & Sold by S. KNEELAND & T. GREEN in Queen-street, 1736.



INTRODUCTION.



IN my Contemplation of the DIVINE PROVIDENCE towards the People of *New-England*, I have often tho't what a special Favour it was, that there came over with the first Settlers of *Plimouth & Connecticut Colonies*, which in those Times were especially exposed to the superiour Power of the *Barbarians* round about them; *Two brave Englishmen* bred to Arms in the *Dutch Netherlands*, viz. Capt. MILES STANDISH of *Plimouth*, and Capt. JOHN MASON of *Connecticut*, Gentlemen of tried Valour, Military Skill and Conduct, great Activity, and warm Zeal for that noble Cause of *Pure Scriptural Religion*, and *Religious Liberty*, which were the chief original Design and Interest of the *Fathers of these Plantations*; and who were act'd with such eminent Degrees of Faith and Piety, as excited them to the most daring Enterprizes in the Cause of God and of his People, and went a great way to their wonderful Successes.

Like those inspired Heroes of whom we read the History in the *Eleventh Chapter* to the *HEBREWS*—By Faith, they not only rather chose to suffer Affliction with the People of God than to enjoy the Pleasures of Sin for a Season; esteeming the Reproach of CHRIST greater Riches than the Treasures of Egypt: But by Faith they even forsook the same, passed thro' the Sea, subdued Kingdoms, wrought Righteousness, obtained Promises, waxed valiant in Fight, and turned to Flight the Armies of the Aliens.

iii

The Judicious Reader that knows the *New English History*, cannot think these Scripture Phrases or religious Turns unsuitable on this Occasion: For as these Colonies were chiefly, if not entirely Settled by a Religious People, and for those Religious Purposes; It is as impossible to write an impartial or true History of them, as of the ancient *Israelites*.

or the later *Vaudois* or *North-Britons*, without observing that *Religious Spirit and Intention* which evidently run thro' and animate their Historical Transactions.

Capt. STANDISH was of a lower Stature, but of such a daring and active Genius, that even before the Arrival of the *Massachusetts Colony*, He spread a Terror over all the Tribes of *Indians* round about him, from the *Massachusetts* to *Martba's Vineyard*, & from *Cape-Cod Harbour* to *Narragansett*. Capt. MASON was Tall and Portly, but never the less full of Martial Bravery and Vigour; that He soon became the equal Dread of the more numerous Nations from *Narragansett* to *Hudson's River*. They were BOTH the Instrumental Saviours of this Country in the most critical Conjunctions: And as we quietly enjoy the Fruits of their extraordinary Diligence and Valour, both the present and future Generations will for ever be obliged to revere their Memory.

Capt. MASON, the Writer of the following History, in which he was a principal Actor, as Chief Commander of the *Connecticut Forces*, is said to have been a Relative of Mr. *John Mason* the ancient Claimer of the Province of *New-Hampshire*: However, the Captain was one of the first who went up from the *Massachusetts* about the Year 1635 to lay the Foundation of *CONNECTICUT COLONY*: He went from *Dorchester*, first settled at *Windfor*, and thence marched forth to the *Pequot War*.

But it being above *Three-score Years* since the following Narrative was Written, near an *Hundred* since the Events therein related, and the State of the *New-England Colonies* being long since greatly Changed; it seems needful for the present Reader's clearer Apprehension of these Matters, to Observe—That in the Year 1633 & 1634, several *Englishmen* arrived from *England*, at the *Massachusetts*, went up in the Western Country to discover *Connecticut River*; the next Year began to remove thither; and by the Beginning of 1637, *Hartford*, *Windfor* and *Weatherfield* were Settled, besides a *Fortification* built at *Saybrook* on the Mouth of the River.

At that Time there were especially *three* powerful and warlike Nations of *Indians* in the South-Western Parts of *New-England*; which spread all the Country from *Aquetinuck*, since call'd *Rhode-Island*, to *Quinnepiack*, since call'd *New-Haven*; viz. the *NARRAGANSETTS*, *PEQUOTS* and *MOHEGANS*. The *NARRAGANSETTS* reached from the Bay of the same Name to *Pawcatuck River*, now the Boundary between the Governments of *Rhode-Island* and *Connecticut*: And their Head Sachem was *MIANTONIMO*. The *PEQUOTS* reached from thence Westward to *Connecticut River*, and over it, as far as *Branford*, if not *Quinnepiack*; their Head Sachem being *SASSACUS*. And the *MOHEGANS* spread along from the *Narragansetts* thro' the Inland Country, on the Back or Northerly Side of the *Pequots*, between them and the *Nipmucks*; their Head Sachem being *UNCAS*. iv

The most terrible of all those Nations were then the *PEQUOTS*; who with their *depending Tribes* soon entered on a Resolution to Destroy the *English* out of the Country. In 1634, they killed Capt. Stone and all his Company, being *seven* besides Himself, in & near his Bark on *Connecticut River*. In 1635, they killed Capt. Oldham in his Bark at *Block-Island*; and at *Long-Island* they killed *two* more cait away there. In 1646, and the following *Winter* and *March*, they killed *six* and took *seven* more at *Connecticut River*. i

River : Those they took alive they tortured to Death in a most barbarous Manner. And on *April 23, 1637*, they killed *nine* more and carried *two* young Women Captive at *Weathersfield*.

They had earnestly solicited the *Narragansetts* to engage in their Confederacy : very politickly representing to them, *I bat if they shou'd help or suffer the English to subdue the Pequots, they wou'd thereby make Way for their own future Ruin ; and that they need not come to open Battle with the English ; only Fire our Houses, kill our Cattle, lye in Ambush and shoot us as we went about our Business ; so we should be quickly forced to leave this Country, and the Indians not exposed to any great Hazard.* Those truly politick Arguments were upon the Point of prevailing on the *Narragansetts* : And had *These* with the *Mohegans*, to whom the *Pequots* were nearly related, join'd against us ; they might then, in the infant State of these Colonies, have easily accomplished their desperate Resolutions.

v But the *Narragansetts* being more afraid of the *Pequots* than of the *English* ; were willing they shou'd weaken each other, not in the least imagining the *English* cou'd destroy them ; at the same Time an *Agency* from the *Massachusetts Colony* to the *Narragansetts*, happily Preserved their staggering Friendship. And as *Uncas the Great Sachem* of the *Moheags*, upon the first coming of the *English*, fell into an intimate Acquaintance with *Capt. Mason*. He, from the Beginning entertained us in an amicable Manner : And tho' both by his Father and Mother He derived from the Royal Blood of the *Pequots*, and had Married the Daughter of *Tatobam* their then late Sachem ; yet such was his Affection for us, as he faithfully adhered to us, ventured his Life in our Service, assisted at the Taking their Fort, when about *Seven Hundred* of them were Destroyed, and thereupon in subduing and driving out of the Country the remaining greater Part of that fierce and dangerous Nation.

Soon after the War, *Capt. Mason* was by the Government of *Connecticut*, made the *Major General* of all their Forces, and so continued to the Day of his Death : The *Rev. Mr. Hooker* of *Hartford*, being desired by the Government in their Name to deliver the Staff into his Hand ; We may imagine he did it with that superior Piety, Spirit and Majesty, which were peculiar to him : Like an ancient Prophet addressing himself to the Military Officer, delivering to him the Principal Ensign of Martial Power, to Lead the Armies & Fight the Battles of the LORD and of his People.

Major Mason having been trained up in the *Netherland War* under *Sir THOMAS FAIRFAX* ; when the Struggle arose in *England* between *K. Charles I.* and the *Parliament* about the Royal Powers and the National Liberties, that Famous General had such an Esteem for the Major's Conduct and Bravery, that He wrote to the Major to come over and help Him. But the Major excusing himself, continued in this Country as long as he lived, and had some of the greatest Honours his Colony cou'd yield him.

For besides his Office of *Major General*, the Colony in *May 1660* chose him their DEPUTY GOVERNOUR ; continued him in the same Post by annual Re-elections, by virtue of their first Constitution to 1662 inclusively. The same Year *K. CHARLES II.* comprehending the Colonies of *Connecticut* and *New-Haven* in One Government by the Name

Name of CONNECTICUT COLONY; He in the *Royal Charter*, signed *April 23*, appointed Major *Mason* their first *Deputy Governour* till the *second Thursday of October* following: After which, the *General Court* being left to chuse their Officers, they continued to chuse him their *Deputy Governour* every Year to *May 1670*; when his Age and Bodily Infirmities advancing, he laid down his Office and retired from Publick Buſineſs.

After the *Pequot War*, he had removed from *Windsor* to *Saybrook*: But in 1659, he removed thence to *Norwich*; where he Died in 1672, or 1673, in the 73d Year of his Age: leaving three Sons, viz. *Samuel*, *John* and *Daniel*, to imitate their Father's Example and inherit his Virtues. vi

I have only now to obſerve, that in *The Relation of the Troubles which happened to New-England by the Indians from 1614 to 1675*, Published by the then Mr. INCREASE MATHER in 1677, I find a Copy of the following Narrative, but without the Prefaces, had been communicated to him by Mr. *John Allyn* then the *Secretary of Connecticut Colony*; which that Rev. Author took for Mr. *Allyn's*, and calls it *his*. But we muſt inform the Reader, that the Narrative was originally drawn by Major *Mason*. And as his Eldeſt Grandſon Capt. *John Mason* now of *New-London* has put into my Hands; I have been more than uſually careful in Correcting the Prefs according to the Original; as the moſt authentick Account of the *Pequot War*, and as a ſtanding Monument both of the extraordinary Dangers & Courage of our pious Fathers, & of the eminent Appearance of HEAVEN to ſave them.

* The other *Allions* of Major *Mason* muſt be referred to the *General Hiſtory of this Country*, when ſome Gentleman of greater Qualifications and Leiſure than I may claim, ſhall riſe up among us, to undertake it. I ſhall give ſome Hints in my *Brief Chronology*, which thro' numerous Hindrances, is now in ſuch a Forwardneſs, that near 200 Pages are Printed already; and in a little Time, Life and Health allow'd, I hope to preſent the Publick with the *firſt* of the two intended Volumes. In the mean while I cannot but Regret it, that ſuch conſiderable and ancient Towns as *Saybrook*, *Fairfield*, *Stamford*, *Canterbury*, *Groton* in the County of *Middleſex*, *Cheſmſford*, *Billerica* *Woburn*, *Dunſtable* and *Briſtol*, ſhould afford no more than their bare Names in the Published Records of this Country.

Boston, Dec. 23.

1735.

Thomas Price.

N. B. The only Word left out is *my* in Dedication, Page i, where it ſhould be Read—*My own Unſineſs*: the few Miſpellings are only of the *Engliſh Words*, which with the *Miſpointings*, are eaſily Deſerned and Corrected.

T t t



(i)

T O

THE HONOURABLE THE GENERAL COURT

O F

C O N N E C T I C U T.

Honoured Gentlemen,



ii

YOU well know how often I have been requested by yourselves to write something in reference to the Subject of the ensuing Treatise (who have power to Command) and how backward I have been, as being conscious to my own unfitness, accounting it not so proper, I being a Chief Actor therein myself. Yet considering that little hath been done to keep the Memory of such a special Providence alive though I could heartily have wished that some other who had been less interested and better qualified might have undertaken the Task, for I am not unacquainted with my own Weakness; yet I shall endeavour in plainness and faithfulness impartially to declare the Matter, not taking the Crown from the Head of one and putting it upon another. There are several who have Wrote and also Printed at random on this Subject, greatly missing the Mark in many Things as I conceive. I shall not exempt my self from frailties, yet from material Faults I presume you may pronounce it not Guilty, and do assure you that if I should see or by any be convinced of an Error, I shall at once confess and amend it.

I thought it my Duty in the Entrance to relate the first Grounds upon which the English took up Arms against the Pequots; for the Beginning is the Moiety of the Whole; and not to mention some Passages at Rovers, as others have done, and not demonstrate the Cause. Judge of me as you please: I shall not climb after Applause, nor do I much fear a Censure; there being many Testimonies to what I shall say. 'Tis possible some may think no better can be expected in these disgracing Times; :: being so hard to please a few, impossible to please all: I shall therefore content my self that I have attended my Rule: You may please to improve some others who were Actors in the Service to give in their Apprehensions, that so the several being compared, you may enlarge or diminish as you shall see meet. I desire my Name may be sparingly mentioned: My principal Aim is that God may have his due Praise.

By your unworthy Servant,

John Mason.

TO

TO THE
AMERICAN READER. (iii)

Judicious Reader,



ALTHOUGH it be too true indeed that the Press labours under, and the World doth too much abound with pamphleting Papers; yet know that this Piece cannot or at least ought not to be disaccepted by thee: For by the help of this thou mayest look backward and interpret how God hath been working, and that very wonderfully for thy Safety and Comfort: And it being the LORD's doing, it should be marvelous in thine Eyes.

And when thou shalt have viewed over this Paper, thou wilt say the Printers of this Edition have done well to prevent the possible Imputation of Posterity; in that they have consulted the exhibition at least to the American World, of the remarkable Providences of God, which thou mayest at thy leisure read, consider and effect thyself with, in the Sequel.

History most properly is a Declaration of Things that are done by those that were present at the doing of them: Therefore this here presented to thee may in that respect plead for liking and acceptance with thee: The Historiographer being one of the principal Actors, by whom those English Engagements were under God carried on and so successfully effected. And for a President for him in this his Publication of his own, in *Parte Rei Bellicæ*, he hath that great Man at Arms the first of the noble Cæsars, being the Manager and Inditer of his martial Exploits. (iv)

He has also that necessary Ingredient in an Historian; Ut nequid falsi dicere, et nequid veri non dicere audeat; That he will tell the Truth and will not say a jot of Falshood.

And Memorandum that those divine Over-rulings, their Recollection, as they ought to be Quickeners of us up to a Theological Reformation, and Awakeners of us from a lethargy-like Security, lest the Lord should yet again make them more afflicting Thorns in our Eyes and Slashing Scourges in our Sides; so also they may well be Pledges or Earnests to us of his future saving Mercies; and that if we by our Declensions from him in his ways do not provoke him, he will not forsake us, but have respect to us in our Dwellings, and lend us the desirable Providence of his perpetual Salvation.

N. B. This Epistle to the AMERICAN READER appears to have been written by another Hand than *Major Mason's*.

TO

Judicious Reader.

Gentlemen,



Never had thought that this should have come to the Press, until of late : If I had I should have endeavoured to put a little more Varnish upon it : But being over persuaded by some Friends, I thought it not altogether amiss to present it to your courteous Disposition, hoping it might find your favourable Entertainment and Acceptance, though rude and unpolish'd. I wish it had fallen into some better Hands that might have performed it to the Life : I shall only draw the Curtain and open my little Casement, that so others of larger Hearts and Abilities may let in a bigger Light ; that so at least some small Glimmering may be left to Posterity what Difficulties and Obstructions their Forefathers met with in their first settling these desert Parts of America ; how God was pleased to prove them, and how by his wise Providence he ordered and disposed all their Occasions and Affairs for them in regard to both their Civils and Ecclesiasticals.

(vi) *This with some other Reasons have been Motives to excite me to the enterprizing hereof ; no Man that I know of having as yet undertaken to write a general History or Relation ; so that there is no Comm moration of Matters respecting this War ; how they began, how carried on, and continued nor what Success they had.* They who think the mentioning of some Particulars is sufficient for the understanding of the General, in my Opinion stray no less from the Truth, then if by the separated Parts of a living Man one should think by this Means he knew all the Parts and Perfections of the Creature : But these separated Parts being joined together having Form and Life, one might easily discern that he was deceived.*

If the Beginning be but obscure and the Ground uncertain, its Continuance can hardly persuade to purchase Belief : Or if Truth be wanting in History, it proves but a fruitless Discourse.

* The Author Died before the Reverend Mr. William Hubbard and Mr. Increase Mather Published their Accounts of the *Pewquet War*.

I shall

I shall therefore GOD helping, endeavour not so much to stir up the Affections of Men, as to declare in Truth and Plainness the Actions and Doings of Men: I shall therefore set down Matters in Order as they Began and were carryed on and Issued: that so I may not deceive the Reader in confounding of Things, but the Discourse may be both Plain and Easy.

And although some may think they have Wrote in a high Stile, and done some notable Thing, yet in my Opinion they have not spoken truly in some Particulars, and in general to little Purpose: For how can History find Credit, if in the Beginning you do not deliver plainly and clearly from whence and how you do come to the Relation which you presently intend to make of Actions.

As a Rule, although it hath less length and breadth, yet notwithstanding it retains the Name if it hath that which is proper to a Rule. When the Bones are separated from a living Creature it becomes unserviceable: So a History, if you take away Order and Truth, the rest will prove to be but a vain Narration. (vii)

I shall not make a long Discourse, nor labour to bold the Reader in doubt, using a multitude of Words, which is no sure Way to find out the Truth; as if one should seek for Verity in the Current of Prating, having nothing but a Conceit worthy to bold the Reader in Suspence: (Sed quo vado) In a word, the LORD was as it were pleased to say unto us, The Land of Canaan will I give unto thee, tho' but few and Strangers in it: And when we went from one Nation to another, yea from one Kingdom to another, he suffered no Man to do us Wrong, but reprov'd Kings for our sakes: And so through Mercy at length we were settled in Peace, to the Astonishment of all that were round about us: unto whom be ascribed all Glory and Praise for ever and ever.

Norwich in NEW-ENGLAND,
in America.

Farewell

John Mason.



(viii)

S O M E

GROUNDS of the WAR AGAINST THE P E Q U O T S.



(ix)

ABOUT the Year 1632 one Capt. *Stone* Arrived in the *Massachusetts* in a *Ship* from *Virginia*; who shortly after was bound for *Virginia* again in a small *Bark* with one Capt. *Norton*; who sailing into *CONNECTICUT RIVER* about *two Leagues* from the *Entrance* cast Anchor; there coming to them several *Indians* belonging to that Place whom the *Peguots* Tyrannized over, being a potent and warlike People, it being their Custom so to deal with their neighbour *Indians*; Capt. *Stone* having some occasion with the *Dutch* who lived at a trading House near *twenty Leagues* up the River, procured some of those *Indians* to go as *Pilots* with two of his Men to the *Dutch*: But being benighted before they could come to their desired Port, put the *Skiff* in which they went, ashore, where the two *Englishmen* falling asleep, were both Murdered by their *Indian* Guides: There remaining with the *Bark* about twelve of the aforesaid *Indians*; who had in all probability formerly plotted their bloody Design; and waiting an opportunity when some of the *English* were on Shoar and Capt. *Stone* asleep in his Cabin, set upon them and cruelly Murdered every one of them, plundered what they pleased and sunk the *Bark*.

These *Indians* were not native *Peguots*, but had frequent recourse unto them, to whom they tendered some of those Goods, which were accepted by the Chief *Sachem* of the *Peguots*: Other of the said Goods were tendered to *NYNIGRETT Sachem* of *Nyan-ticke*, who also received them.

The

The Council of the *Massachusetts* being informed of their Proceedings, sent to speak with the *Pequots*, and had some Treaties with them : But being unsatisfied therewith, sent forth Captain *John Endicott* Commander in Chief, with Capt. *Underhill*, Captain *Turner*, and with them one hundred and twenty Men ; who were firstly designed on a Service against a People living on *Block Island*, who were subject to the *Narragansetts Sachem* ; they having taken a Bark of one Mr. *John Oldham*, Murdering him and all his Company : They were also to call the *Pequots* to an Account about the Murder of Capt. *Stone* ; who arriving at *Pequot* had some Conference with them ; but little effected ; only one Indian slain and some *Wigwams* burnt. After which, the *Pequots* grew enraged against the *English* who inhabited *CONNECTICUT*, being but a small Number, about two hundred and fifty, who were there newly arrived ; as also about twenty Men at *SAYBROOK*, under the Command of Lieutenant *Lyon Gardner*, who was there settled by several Lords and Gentlemen in *England*. The *Pequots* falling violently upon them, slew divers Men at *Saybrook* : keeping almost a constant Siege upon the Place ; so that the *English* were constrained to keep within their pallizado Fort ; being so hard beset and sometimes assaulted ; that Capt. *John Mason* was sent by *Connecticut Colony* with twenty Men out of their small Numbers to secure the Place : But after his coming, there did not one *Pequot* appear in view for one Month Space, which was the time he there remained.

In the Interim certain *Pequots* about One Hundred going to a Place called *Weathersfield* on *Connecticut* ; having formerly confederated with the *Indians* of that Place (as it was generally thought) lay in Ambush for the *English* ; divers of them going into a large Field adjoining to the Town to their Labour, were there set upon by the *Indians* : Nine of the *English* were killed out right, with some Horses, and two young Women taken Captives. (x)

At their Return from *Weathersfield*, they came down the River of *Connecticut* (Capt. *Mason* being then at *Saybrook Fort*) in three Canoes with about one hundred Men, which River of necessity they must pass : We espying them, concluded they had been doing some Mischief against us, made a Shot at them with a Piece of Ordnance, which beat off the Beak Head of one of their Canoes, wherein our two Captives were : it was at a very great distance : They then hastened, drew their Canoes over a narrow Beach with all speed and so got away.

Upon which the *English* were somewhat dejected : But immediately upon this, a Court was called and met in *Hartford* the First of May 1637,* who seriously considering their Condition, which did look very Sad, for those *Pequots* were a great People, being strongly fortified, cruel, warlike, munitioned, &c. and the *English* but an handful in comparison : But their outrageous violence against the *English* having Murdered about Twenty of them, their great Pride and Insolency, constant Pursuit in their malicious Courses, with their engaging other *Indians* in their Quarrel against the *English*, who had never offered them the least Wrong ; who had in all likelihood espoused all the *Indians* in the Country in their Quarrel, had not God by more than an ordinary Providence prevented : These Things being duly considered, with the eminent Hazard and great Peril they were in ; it pleased God so to stir up the Hearts of all Men in general, and the Court in special, that they concluded some Forces should forthwith be sent out against the *Pequots* ; their Grounds being full, and Necessity enforcing them to engage in an offensive and defensive War: the Management of which War we are nextly to relate.

* May 1. 1637 was Monday.



A N
E P I T O M E
O R
B R I E F H I S T O R Y
O F T H E
P E Q U O T W A R.



In the Beginning of May 1637 there were sent out by CONNE-
TICUT COLONY *Ninety* Men under the Command of Capt.
JOHN MASON against the PEQUOTS, with ONKOS an *Indian*
Sachem living at *Mobegan*,† who was newly revolted from the
Pequots; being Shipped in one *Pink*, one *Pinnace*, and one *Schal-*
lop; who sailing down the River of Connecticut fell several times
aground, the Water being very low: The *Indians* not being
wonted to such Things with their small *Canoes*, and also being
impatient of Delays, desired they might be set on Shoar, pro-
mising that they would meet us at *Saybrook*; which we granted: They hastening to their
Quarters, fell upon *Thirty or forty* of the *Enemy* near *Saybrook Fort* and killed *seven* of
them outright;‡ having only one of their's wounded, who was sent back to *Connet-*
ticut in a *Skiff*: Capt. *John Underbill* also coming with him, who informed us what
was performed by *Onkos* and his Men; which we looked at as a special Providence;
for before we were somewhat doubtful of his Fidelity: Capt. *Underbill* then offered his

† *Onkos*, usually called *Uncas*, the Great Sachem of the *MOHEAGS*.

‡ *Mr. Increase Mather* in his History of the *Pequot War*, says this was on *May 15*.

Service with *nineteen* Men to go with us, if Lieutenant *Gardner* would allow of it, who was Chief Commander at *Saybrook Fort*; which was readily approved of by Lieutenant *Gardner* and accepted by us: In lieu of them we sent back *twenty* of our Soldiers to *Conneticut*.

Upon a *Wednesday* we arrived at *Saybrook*, where we lay Wind-bound until *Friday*; often consulting how and in what manner we should proceed in our Enterprize, being altogether ignorant of the Country. At length we concluded, God assisting us, for *Narragansett*, and so to March through their Country, which Bordered upon the *Enemy*; where lived a great People, it being about *fifteen Leagues* beyond *Pequot*: The *Grounds* and *Reasons* of our so Acting you shall presently understand:

‘ First, *The Pequots* our *Enemies*, kept a continual Guard upon the River Night and Day.

‘ Secondly, *Their Numbers* far exceeded ours; having sixteen Guns with Powder and Shot, as we were informed by the two Captives forementioned (where we declared the *Grounds* of this War) who were taken by the Dutch and restored to us at *Saybrook*; which indeed was a very friendly Office and not to be forgotten.

‘ Thirdly, *They* were on Land, and being swift on Foot, might much impede our Landing, and possibly dishearten our Men; we being expelled only by Land, there being no other Place to go on Shoar but in that River, nearer than *Narragansett*.

‘ Fourthly, By *Narragansett* we should come upon their Backs and possibly might surprize them unaware, at worst we should be on firm Land as well as they. All which proved very successful as the Sequel may evidently demonstrate.

3

But yet for all this our Counsel, all of them except the Captain were at a stand, and could not judge it meet to fail to *Narragansett*: And indeed there was a very strong Ground for it; our Commission limiting us to land our Men in *Pequot River*; we had also the same Order by a Letter of Instruction sent us to *Saybrook*.

But Capt. *Mason* apprehending an exceeding great Hazard in so doing, for the Reasons forementioned, as also some other which I shall forbear to trouble you with, did therefore earnestly desire Mr. *Stone* that he would commend our Condition to the Lord, that Night, to direct how & in what manner we should demean ourselves in that Respect; He being our Chaplain and lying aboard our *Pink*, the Captain on shoar. In the Morning very early Mr. *Stone* came aboard to the Captain's Chamber, and told him, he had done as he had desired, and was fully satisfied to fail for *Narragansett*. Our Council was then called, and the several Reasons alledged: In fine we all agreed with one accord to fail for *Narragansett*, which the next Morning we put in Execution.

I declare not this to encourage any Soldiers to Act beyond their Commission, or contrary to it; for in so doing they run a double Hazard. There was a great Commander in *Belgia* who did the *States* great Service in taking a City; but by going beyond his Commission lost his Life: His name was *Grubbendunk*. But if a War be Managed duly by Judgment and Discretion as is requisite, the Shews are many time

X x x

contrary

contrary to what they seem to pursue : Wherefore the more an Enterprize is diffenibled and kept secret, the more facil to put in Execution ; as the Proverb, *The farthest way about is sometimes the nearest way home*. I shall make bold to present this as my present Thoughts in this Case ; In Matters of War, those who are both able and faithful should be improved ; and then bind them not up into too narrow a Compass : For it is not possible for the wisest and ablest Senator to foresee all Accidents and Occurrences that fall out in the Management and Pursuit of a War : Nay although possibly he might be trained up in Military Affairs ; and truly much less can he have any great Knowledge who hath had but little Experience therein. What shall I say ? God led his People thro' many Difficulties and Turnings ; yet by more than an ordinary Hand of Providence he brought them to *Canaan* at last.

On *Friday Morning*, we set Sail for *NARRAGANSETT-BAY*, and on *Saturday* towards *Evening* we arrived at our desired Port, there we kept the *Sabbath*.

On the *Monday* the Wind blew so hard at North-West that we could not go on Shoar ; as also on the *Tuesday* until *Sun-set* ; at which time Capt. *Mason* landed and Marched up to the Place of the Chief *Sachem's* Residence ; who told the *SACHEM*, ' *That we had not an opportunity to acquaint him with our coming Armed in his Country sooner ; yet not doubting but it would be well accepted by him, there being Love betwixt himself and us ; well knowing also that the Pequots and themselves were Enemies, and that he could not be unacquainted with those intolerable Wrongs and Injuries these Pequots had lately done unto the English ; and that we were now come, God assisting, to Avenge ourselves upon them ; and that we did only desire free Passage through his Country.*' Who returned us this ANSWER, ' *That he did accept of our coming, and did also approve of our Design ; only he thought our Numbers were too weak to deal with the Enemy, who were (as he said) very great Captains and Men skilful in War.*' Thus he spake somewhat slighting of us.

On the *Wednesday Morning*, we Marched from thence to a Place called *NAVANTICK* ; it being about *eighteen* or *twenty Miles* distant, where another of those *Narragansett Sachems* lived in a *Fort* ; it being a *Frontier* to the *Pequots*. They carried it very proudly towards us ; not permitting any of us to come into their *Fort*.

5 We beholding their Carriage and the Falshood of *Indians*, and fearing lest they might discover us to the Enemy, especially they having many times some of their near Relations among their greatest Foes ; we therefore caused a strong Guard to be set about their *Fort*, giving Charge that no *Indian* should be suffered to pass in or out : We also informed the *Indians*, that none of them should stir out of the *Fort* upon peril of their Lives : so as they would not suffer any of us to come into their *Fort*, so we would not suffer any of them to go out of the *Fort*.

There we quartered that *Night*, the *Indians* not offering to stir out all the while.

In the *Morning*, there came to us several of *MYANTOMO* † his Men, who told us, they were come to assist us in our Expedition, which encouraged divers *Indians* of that

† He was usually called *Miantonimo* the Great *Sachem* of the *Narragansett Indians*.

Place to Engage also; who suddenly gathering into a Ring, one by one, making solemn Protestations how gallantly they would demean themselves, and how many Men they would Kill.

On the *Thursday* about *eight of the Clock* in the *Morning*, we *Marched* thence *to-wards* *Pequot*, with about *five hundred Indians*: But through the *Heat* of the *Weather* and want of *Provisions*, some of our *Men* *Fainted*: And having *Marched* about *twelve Miles*, we came to *Pawcatuck River*, at a *Ford* where our *Indians* told us the *Pequots* did usually *Fish*; there making a *halt*, we stayed some small time: The *Narragansett Indians* manifesting great *Fear*, in so much that many of them returned, although they had frequently despised us, saying, *That we durst not look upon a Pequot, but themselves would perform great Things*; though we had often told them that we came on purpose and were resolved, *God assisting, to see the Pequots, and to Fight with them before we returned, though we perished*. I then enquired of *Onkos*, *what he thought the Indians would do?* Who said, *The Narragansetts would all leave us, but as for Himself He would never leave us*: And so it proved: For which Expressions and some other Speeches of his, I shall never forget him. *Indeed he was a great Friend, and did great Service.* 6

And after we had refreshed our selves with our mean Commons, we *Marched* about *three Miles*, and came to a *Field* which had lately been planted with *Indian Corn*: There we made another halt, and called our Council, supposing we drew near to the *Enemy*: And being informed by the *Indians* that the *Enemy* had *two Forts* almost impregnable; but we were not at all Discouraged, but rather Animated, in so much that we were resolved to *Assault* both their *Fort*s at once. But understanding that *one of them* was so remote that we could not come up with it before *Midnight*, though we *Marched* hard; whereat we were much grieved, chiefly because the greatest and bloodiest *Sachem* there resided, whose Name was *Sassacus*: We were then constrained, being exceedingly spent in our *March* with extream *Heat* and want of *Necessaries*, to accept of the *nearest*.

We then *Marching* on in a silent Manner, the *Indians* that remained fell all into the *Rear*, who formerly kept the *Van*; (being possessed with great *Fear*) we continued our *March* till about *one Hour in the Night*: and coming to a *little Swamp* between *two Hills*, there we pitched our little *Camp*; much wearied with hard *Travel*, keeping great *Silence*, supposing we were very near the *Fort* as our *Indians* informed us; which proved otherwise: The *Rocks* were our *Pillows*; yet Rest was pleasant: The *Night* proved Comfortable, being clear and *Moon Light*: We appointed our *Guards* and placed our *Sentinels* at some distance; who heard the *Enemy* *Singing* at the *Fort*, who continued that *Strain* until *Midnight*, with great *Insulting* and *Rejoycing*, as we were afterwards informed: They seeing our *Pinnaces* sail by them some *Days* before, concluded we were afraid of them and durst not come near them; the *Burthen* of their *Song* tending to that purpose. 7

In the *Morning*, we awaking and seeing it very light, supposing it had been day, and so we might have lost our Opportunity, having purposed to make our *Assault* before *Day*; roused the *Men* with all expedition, and briefly commended ourselves and

and Design to Go, thinking immediately to go to the Assault; the *Indians* shewing us a *Path*, told us that it led directly to the *Fort*. We held on our March about *two Miles*, wondering that we came not to the *Fort*, and fearing we might be deduced: But seeing Corn newly planted at the Foot of a *great Hill*, supposing the *Fort* was not far off, a *Champion Country* being round about us; then making a stand, gave the Word for some of the *Indians* to come up: At length *Onkos* and one *Wequosh* appeared: We demanded of them, *Where was the Fort?* They answered, *On the Top of that Hill*: Then we demanded, *Where were the Rest of the Indians?* They answered, *Ebend, exceedingly afraid*: We wished them to tell the rest of their Fellows, *That they should by no means Fly, but stand at what distance they pleased, and see whether ENGLISH MEN would now Fight or not*. Then Captain *Underbill* came up, who Marched in the Rear; and commending ourselves to God divided our Men: There being *two Entrances* into the *Fort*, intending to enter both at once: Captain *Mason* leading up to that on the *North East Side*; who approaching within one Rod, heard a Dog bark and an *Indian* crying *Owanux! Owanux!* which is *Englishtmen!* We called up our Forces with all Expedition, gave Fire upon them through the *Pallizado*; the *Indians* being in a dead indeed their last Sleep: Then we wheeling off fell upon the *main Entrance*, which was blocked up with *Bushes* about Breast high, over which the *Captain* passed, intending to make good the Entrance, encouraging the rest to follow. Lieutenant *Seeley* endeavoured to enter; but being somewhat cumbred, stepped back and pulled out the *Bushes* and so entred, and with him about *sixteen Men*: We had formerly concluded to destroy them by the Sword and save the Plunder.

Whereupon Captain *Mason* seeing no *Indians*, entred a *Wigwam*; where he was beset with many *Indians*, waiting all opportunities to lay Hands on him, but could not prevail. At length *William Heydon* espying the Breach in the *Wigwam*, supposing some *Englisht* might be there, entred; but in his Entrance fell over a dead *Indian*; but speedily recovering himself, the *Indians* some fled, others crept under their Beds: The *Captain* going out of the *Wigwam* saw many *Indians* in the Lane or Street; he making towards them, they fled, were pursued to the End of the Lane, where they were met by *Edward Pattison*, *Thomas Barber*, with some others; where seven of them were Slain, as they said. The *Captain* facing about, Marched a slow Pace up the Lane he came down, perceiving himself very much out of Breath; and coming to the other End near the Place where he first entred, saw *two Soldiers* standing close to the *Pallizado* with their Swords pointed to the Ground: The *Captain* told them that *We should never kill them after that manner*: The *Captain* also said, *We must Burn them*; and immediately stepping into the *Wigwam* where he had been before, brought out a Fire-Brand, and putting it into the *Matts* with which they were covered, set the *Wigwams* on Fire. Lieutenant *Thomas Bull* and *Nicholas Omsted* beholding, came up; and when it was thoroughly kindled, the *Indians* ran as Men most dreadfully Amazed.

And indeed such a dreadful Terror did the *ALMIGHTY* let fall upon their Spirits, that they would fly from us and run into the very Flames, where many of them perished. And when the *Fort* was thoroughly Fired, Command was given, that all should fall off and surround the *Fort*; which was readily attended by all; only one *Arthur Smith* being so wounded that he could not move out of the Place, who was happily espied by Lieutenant *Bull*, and by him rescued.

The

The Fire was kindled on the *North East Side* to windward ; which did swiftly overrun the *Fort*, to the extreme Amazement of the Enemy, and great Rejoycing of our selves. Some of them climbing to the Top of the Palizado ; others of them running into the very Flames ; many of them gathering to windward, lay pelting at us with their Arrows ; and we repayed them with our small Shot : Others of the Stoutest issued forth, as we did guess, to the Number of *Forty*, who perished by the Sword.

What I have formerly said, is according to my own Knowledge, there being sufficient living Testimony to every Particular.

But in reference to Captain *Underbill* and his Parties acting in this Assault, I can only intimate as we were informed by some of themselves immediately after the Fight, Thus *They* Marching up to the *Entrance* on the *South West Side*, there made some Pause ; a valiant, resolute Gentleman, one Mr. *Hedge*, stepping towards the *Gate*, saying, *If we may not Enter, wherefore came we here* ; and immediately endeavoured to Enter ; but was opposed by a sturdy *Indian* which did impede his Entrance : but the *Indian* being slain by himself and Serjeant *Davis*, Mr. *Hedge* Entred the *Fort* with some others ; but the *Fort* being on Fire, the Smoak and Flames were so violent that they were constrained to desert the *Fort*.

Thus were they now at their Wits End, who not many Hours before exalted themselves in their great Pride, threatening and resolving the utter Ruin and Destruction of all the *English*, Exulting and Rejoycing with Songs and Dances : But God was above them, who laughed his Enemies and the Enemies of his People to Scorn, making them as a fiery Oven : Thus were the Stout Hearted spoiled, having slept their last Sleep, and none of their Men could find their Hands : Thus did the Lord judge among the Heathen, filling the Place with dead Bodies !

10

And here we may see the just Judgment of God, in sending even the very *Night* before this Assault, *One hundred and fifty Men* from their other *Fort*, to join with them of that Place, who were designed as some of themselves reported to go forth against the *English*, at that very Instant when this heavy Stroke came upon them, where they perished with their Fellows. So that the Mischief they intended to us, came upon their own Pate : They were taken in their own Snare, and we through Mercy escaped. And thus in *little more than one Hour's space* was their impregnable *Fort* with themselves utterly destroyed, to the Number of *six or seven Hundred*, as some of themselves confessed. There were only *seven* taken *Captive* & about *seven* escaped.*

Of the *English*, there were *two* Slain outright, and about *twenty* wounded : Some Fainted by reason of the sharpness of the Weather, it being a cool Morning, & the want of such Comforts & Necessaries as were needful in such a Case ; especially our *Chyrurgeon* was much wanting, whom we left with our *Barks* in *Narragansett Bay*, who had Order there to remain until the *Night* before our intended Assault.

* The Place of the Fort being called *MISTICK*, this Fight was called *MISTICK FIGHT* : And Mr. Increase Mather, from a *Manuscript* He met with, tells us ; It was on *Friday, May 26. 1637, a memorable Day* !

And thereupon grew many *Difficulties*: Our Provision and Munition near spent; we in the Enemies Country, who did far exceed us in Number, being much enraged; all our *Indians*, except *Onkos*, deserting us; our *Pamrees* at a great distance from us, and when they would come we were uncertain.

- 11 But as we were consulting what Course to take, it pleased God to discover our *Vessels* to us before a fair Gale of Wind sailing into *Pequot Harbour*, to our great Rejoycing.

We had no sooner discovered our *Vessels*, but immediately came up the *Enemy* from the OTHER FORT; *Three Hundred or more* as we conceived. The *Captain* lead out a *File* or two of Men to Skirmish with them, chiefly to try what Temper they were of, who put them to a stand: we being much encouraged thereat, presently prepared to March towards our *Vessels*: *Four or Five* of our Men were so wounded that they must be carried with the Arms of *twenty* more. We also being faint, were constrained to put *four* to *one* Man, with the Arms of the rest that were wounded to others; so that we had not above *forty* Men free: at length we hired several *Indians*, who eased us of that Burthen in carrying of our wounded Men. And Marching about *one quarter of a Mile*; the *Enemy* coming up to the Place where the *Fort* was, and beholding what was done, stamped and tore the Hair from their Heads: And after a little space, came mounting down the *Hill* upon us, in a full career, as if they would over run us: But when they came within Shot, the Rear faced about, giving Fire upon them: Some of them being Shot, made the rest more wary: Yet they held on running to and fro, and shooting their Arrows at Random. There was at the *Foot of the Hill* a *small Brook*, where we rested and refreshed ourselves, having by that time taught them a little more Manners than to disturb us.

- 12 We then Marched on towards *Pequot Harbour*; and falling upon several *Wigwams*, burnt them: The *Enemy* still following us in the Rear, which was to windward, though to little purpose; yet some of them lay in Ambush behind Rocks and Trees, often shooting at us, yet through Mercy touched not one of us: And as we came to any Swamp or Thicket, we made some Shot to clear the Passage. Some of them fell with our Shot; and probably more might, but for want of Munition: But when any of them fell, our *Indians* would give a great Shout, and then would they take so much Courage as to fetch their Heads. And thus we continued, until we came within *two Miles* of *Pequot Harbour*; where the *Enemy* gathered together and left us: we Marching on to the *Top* of an *Hill* adjoining to the Harbour, with our Colours flying; having left our Drum at the Place of our Rendezvous the *Night before*: We seeing our *Vessels* there Riding at Anchor, to our great Rejoycing, and came to the *Water Side*, we there sat down in Quiet.

Captain *Patrick* being Arrived there with our *Vessels*, who as we were informed was sent with *Forty Men* by the *Massachusetts Colony*, upon some Service against the *Block Islanders*: Who coming to the Shore in our Shallop with all his Company, as he said, to Rescue us, supposing we were pursued, though there did not appear any the least sign of such a Thing.

But

But we could not prevail with him by any Means to put his Men ashore, that so we might carry our Wounded Men a Board; although it was our own Boat in which he was: We were very much Troubled; but knew not how to help our selves. At length we were fetched a Board to the great Rejoycing of our Friends.

Shortly after our coming a Board, there fell out a great Contest between Captain Underhill and Capt. Patrick: Captain Underhill claiming an Interest in the Bark where Captain Patrick was, which indeed was Underhill's Right; the Contest grew to a great Height. At length we propounded, that if Patrick would Ride there with that Bark in Contention, and secure the Narragansett Indians, it being also the Place of Rendezvous to those Vessels that were expected from Massachusetts, until we Transported our Wounded Men to Saybrook five Leagues distant; then we would immediately return our *Pink* to convey the Narragansetts home: The which Captain Patrick seem very readily to accept.

Captain Underhill soon after set sail in one of our Barks for Saybrook: But before he was out of Sight; Captain Patrick signified by Writing, that he could not attend that Service, but he must wait for the Bay Vessels at Saybrook, wishing us, having the Honour of that Service to complete it, by securing the Narragansett Indians; which at first seemed very Difficult, if not Impossible: For our *Pink* could not receive them, and to march by Land was very Dangerous; it being near twenty Miles in the Enemies Country, our Numbers being much weakened, we were then about twenty Men; the rest we had sent home for fear of the *Peguots* Invasion. But absolutely necessitated to March by Land, we halted ashore, with our Indians and small Numbers. Captain Patrick seeing what we intended, came ashore also with his Men; although in truth we did not desire or delight in his Company, and so we plainly told him: However he would and did March a long with us.

13

About the midway between that and Saybrook, we fell upon a People called *Nyan-ticks*, belonging to the *Peguots*, who fled to a Swamp for Refuge: They hearing or espying of us fled: We pursued them a while by the Track as long as they kept together: But being much spent with former Travel, and the Sabbath drawing on, it being about Two or Three of the Clock on the Saturday in the Afternoon; we leaving our Pursuit, halted towards Saybrook, about Sun set we Arrived at *Connetlicut River Side*; being nobly entertained by Lieutenant Gardner with many great Guns: But were forced there to Quarter that Night: On the Morrow we were all fetched over to Saybrook, receiving many Courtesies from Lieut. Gardner.

And when we had taken Order for the safe Conduct of the Narragansett Indians we repaired to the Place of our Abode: where we were Entertained with great Triumph and Rejoycing and Praising God for his Goodness to us, in succeeding our weak Endeavours, in Crowning us with Success, and restoring of us with so little Loss. Thus was God seen in the Mount, Crushing his proud Enemies and the Enemies of his People: They who were ere while a TERROR to all that were round about them, who resolved to Destroy all the ENGLISH, and to Root their very Name out of this Country, should by such weak Means, even SEVENTY SEVEN (there being no more at the FORT) bring the Mischief they plotted, and the Violence they offered and exercised, upon their

14

their own Heads in a Moment; burning them up in the Fire of his Wrath, and dinging the Ground with their Fleſh: It was the LORD's Doings, and it is marvellous in our Eyes! It is He that hath made his Work wonderful, and therefore ought to be remembered.

Immediately the who'e Body of *Pequots* repaired to that Fort where *SASSACOUS* the Chief *Sachem* did reſide; charging him that he was the only Cauſe of all the Troubles that had befallen them; and therefore they would Deſtroy both him and his: But by the Intreaty of their *Counſellers* they ſpared his Life; and conſulting what Courſe to take, concluded *there was no abiding any longer in their Country*, and ſo reſolved to fly into ſeveral Parts. The greateſt Body of them went towards *MANHATTANCE*:* And paſſing over *Conneſſicut*, they met with three *Engliſh Men* in a *Shallop* going for *Sagbrook*, whom they ſlew: The *Engliſh* Fought very ſtoudly, as themſelves confeſſed, Wounding many of the Enemy.

About a Fortnight after our Return home, which was about one Month after the Fight at *MISTICK*, there arrived in *PEQUOT RIVER* ſeveral Veffels from the *MASSACHUSETTS*, Captain *Israel Stoughton* being Commander in Chief; and with him about One hundred and twenty Men; being ſent by that Colony to purſue the War againſt the *Pequots*: The Enemy being all fled before they came, except ſome few Straglers, who were ſurpriſed by the *Mobags* and others of the *Indians*, and by them delivered to the *Maſſachuſets Soldiers*.

15 *Conneſſicut Colony* being informed hereof, ſent forthwith forty Men, Captain *Mafon* being Chief Commander; with ſome other Gent, to meet thoſe of the *Maſſachuſetts*, to conſider what was neceſſary to be attended reſpecting the future: Who meeting with them of the *Maſſachuſetts* in *Pequot Harbour*; after ſome time of conſultation, concluded to purſue thoſe *Pequots* that were fled towards *Manbatance*, and ſo forthwith Marched after them, diſcovering ſeveral Places where they Rendezvouſed and lodged not far diſtant from their ſeveral Removes; making but little haſte, by reaſon of their Children, and want of Proviſion; being forced to dig for Clams, and to procure ſuch other things as the Wilderneſs afforded: Our Veffels ſailing along by the Shore. In about the ſpace of three Days we all Arrived at *New Haven Harbour*, then called *Quinnypiaq*. And ſeeing a great Smoak in the Woods not far diſtant, we ſuppoſing ſome of the *Pequots* our Enemies might be there; we haſtened aſhore, but quickly diſcovered them to be *Conneſſicut Indians*. Then we returned aboard our Veffels, where we ſtayed ſome ſhort time, having ſent a *Pequot Captive* upon diſcovery, we named him *Luz*; who brought us Tydings of the Enemy, which proved true; ſo faithful was he to us, though againſt his own Nation. Such was the Terror of the *Engliſh* upon them; that a *Mobage Indian* named *Jack Eatow* going aſhore at that time, met with three *Pequots*, took two of them and brought them aboard.

We then haſtened our March towards the Place where the Enemy was: And coming into a Corn Field, ſeveral of the *Engliſh* eſpyed ſome *Indians*, who fled from them: They purſued them; and coming to the Top of an Hill, ſaw ſeveral *Wigwams* juſt oppoſite, only a *Swamp* intervening, which was almoſt divided in two

* I ſuppoſe this the ſame which is ſometimes called *Manbatan* or *Manbatos*; which is ſince called *New York*.

Parts. Serjeant Palmer hastening with about *twelve Men* who were under his Command to surround the smaller Part of the *Swamp*, that so He might prevent the *Indians* flying; Ensign *Danport* * Serjeant *Jeffries* &c. entering the *Swamp*, intended to have gone to the *Wigwams*, were there set upon by several *Indians*, who in all probability were deterred by Serjeant *Palmer*. In this Skirmish the *English* slew but few; *two or three* of themselves were Wounded: The rest of the *English* coming up, the *Swamp* was surrounded.

16

Our Council being called, and the *Question* propounded, *How we should proceed*, Captain *Patrick* advised that we should cut down the *Swamp*; there being many *Indian Hatchets* taken, Captain *Trafke* concurring with him; but was opposed by others: Then we must pallizado the *Swamp*; which was also opposed: Then they would have a Hedge made like those of *Gotbam*; all which was judged by some almost impossible, and to no purpose, and that for several Reasons, and therefore strongly opposed. But some others advised to force the *Swamp*, having time enough, it being about *three* of the *Clock* in the *Afternoon*: But that being opposed, it was then propounded to draw up our Men close to the *Swamp*, which would much have lessened the Circumference; and with all to fill up the open Passages with Bushes, that so we might secure them until the *Morning*, and then we might consider further about it. But neither of these would pass; so different were our Apprehensions; which was very grievous to some of us, who concluded the *Indians* would make an Escape in the *Night*, as easily they might and did: We keeping at a great distance, what better could be expected? Yet Captain *Mason* took Order that the Narrow in the *Swamp* should be cut thro'; which did much shorten our Leaguer. It was resolutely performed by Serjeant *Davis*.

We being loth to destroy *Women* and *Children*, as also the *Indians* belonging to that Place; whereupon Mr. *Tbo. Stanton* a Man well acquainted with *Indian Language* and Manners, offered his Service to go into the *Swamp* and treat with them: To which we were somewhat backward, by reason of some Hazard and Danger he might be exposed unto: But his importunity prevailed: Who going to them, did in a short time return to us, with near *Two Hundred old Men, Women and Children*; who delivered themselves to the Mercy of the *English*. And so *Night* drawing on, we beleaguered them as strongly as we could. About *half an Hour before Day*, the *Indians* that were in the *Swamp* attempted to break through Captain *Patrick's Quarters*; but were beaten back several times; they making a *great Noise*, as their Manner is at such Times, it sounded round about our Leaguer: Whereupon Captain *Mason* sent Serjeant *Stares* to inquire into the Cause, and also to assist if need required; Capt. *Trafke* coming also in to their Assistance: But the Tumult growing to a very great Height, we raised our Siege, and Marching up to the Place, at a Turning of the *Swamp* the *Indians* were forcing out upon us; but we sent them back by our small Shot.

17

We waiting a little for a second Attempt; the *Indians* in the mean time facing about, pressed violently upon Captain *Patrick*, breaking through his Quarters, and so escaped. They were about *sixty or seventy* as we were informed. We afterwards searched the *Swamp*, & found but few *Slain*. The *Captives* we took were about

* It should be *Davenport*, who was afterwards Captain of the *Castle* in *Boston Harbour*.

One hundred and Eighty; whom we divided, intending to keep them as *Servants*, but they could not endure that Yoke; few of them continuing any considerable time with their Masters.

18 Thus did the LORD scatter his Enemies with his strong Arm! The *Pequots* now became a Prey to all *Indians*. Happy were they that could bring in their Heads to the *English*: Of which there came almost daily to *Winsor*, or *Hartford*. But the *Pequots* growing weary hereof, sent some of the Chief that survived to mediate with the *English*; offering that *If they might but enjoy their Lives, they would become the English Vassals, to dispose of them as they pleased.* Which was granted them. Whereupon ONKOS and MYANTONIMO were sent for; who with the *Pequots* met at *Hartford*. The *Pequots* being demanded, *How many of them were then living?* Answered, about One Hundred and Eighty, or Two Hundred. There were then given to ONKOS, Sachem of MONHEAG, *Eighty*; to MYANTONIMO, Sachem of NARRAGANSETT, *Eighty*; and to NYNIGRETT, *† Twenty*, when he should satisfy of a *Mare of Edward Pomroye's* killed by his Men. The *Pequots* were then bound by COVENANT, *That none should inhabit their native Country, nor should any of them be called PEQUOTS any more, but MOHEAGS and NARRAGANSETTS for ever.* Shortly after, about *Forty* of them went to *Mobeag*; others went to *Long Island*; the rest settled at *Pawcatuck*, a Place in *Pequot Country*, contrary to their late Covenant and Agreement with the *English*.

Which *Connecticut* taking into Consideration, and well weighing the several Inconveniences that might ensue; for the Prevention whereof, they sent out *forty Men* under the Command of Captain *John Mason*, to supplant them, by burning their *Wigwams*, and bringing away their Corn, except they would desert the Place: ONKOS with about *One hundred of his Men* in *twenty Canoes*, going also to assist in the Service. As we sailed into *Pawcatuck-Bay* We met with *three* of those *Indians*, whom he sent to inform the rest with the end of our coming, and also that we desired to speak with some of them: They promised speedily to return us an Answer, but never came to us more.

We run our *Vessel* up into a *small River*, and by reason of *Flatts* were forced to land on the *West Side*; their *Wigwams* being on the *East* just opposite, where we could see the *Indians* running up and down Jeering of us. But we meeting with a *narrow Place* in the *River* between *two Rocks*, drew up our *Indians Canoes*, and got suddenly over sooner than we were expected or desired; Marching immediately up to their *Wigwams*; the *Indians* being all fled, except some old People that could not.

29 We were so suddenly upon them that they had not time to convey away their Goods: We viewed their Corn, whereof there was Plenty, it being their time of *Harvest*: And coming down to the *Water Side* to our Pinnace with *half* of ONKOS's his Men, the rest being plundering the *Wigwams*; we looking towards a *Hill* not far remote, we espied about *sixty Indians* running towards us; we supposing they were our absent Men, the *Mobeags* that were with us not speaking one word, nor moving towards them until the other came within *thirty* or *forty Paces* of them; then they

† He was usually called NINNIGRAFT.

run and met them and fell on pell mell striking and cutting with Bows, Hatchets, Knives, &c. after their feeble Manner: Indeed it did hardly deserve the Name of *Fighting*. We then endeavoured to get between them and the Woods, that so we might prevent their flying; which they perceiving, endeavoured speedily to get off under the *Beach*: We made no Shot at them, nor any hostile Attempt upon them. Only seven of them who were *NYNIGRETT's Men*, were taken. Some of them growing very outrageous, whom we intended to have made shorter by the Head; and being about to put it in Execution; one *Ostaj* a Sachem of *Narragansett*, Brother to *MYANTONIMO* stepping forth, told the *Captain*, *They were his Brother's Men, and that he was a Friend to the English, and if we would spare their Lives we should have as many Murderers Heads, in lieu of them which should be delivered to the English*. We considering that there was no Blood shed as yet, and that it tended to Peace and Mercy, granted his Desire; and so delivered them to *ONKOS* to secure them until his Engagement was performed, because our *Prison* had been very much pestered with such Creatures,

We then drew our *Bark* into a *Creek*, the better to defend her; for there were many *Hundreds* within five Miles waiting upon us. There we Quartered that Night: In the Morning as soon as it was Light, there appeared in Arms at least *Three Hundred Indians* on the other Side the *Creek*: Upon which we stood to our Arms; which they perceiving, some of them fled, others crept behind the Rocks and Trees, not one of them to be seen. We then called to them, saying, *We desired to speak with them, and that we would down our Arms for that end*; Whereupon they stood up: We then informed them, *That the Pequots had violated their Promise with the English, in that they were not there to inhabit, and that we were sent to supplant them*: They answered saying, *The Pequots were good Men, their Friends, and they would Fight for them, and protect them*: At which we were somewhat moved, and told them, *It was not far to the Head of the Creek where we would meet them, and then they might try what they could do in that Respect*. 20

They then replied, *That they would not Fight with ENGLISH MEN, for they were SPIRITS, but would Fight with ONKOS*. We replied, *That we thought it was too early for them to Fight, but they might take their opportunity; we should be burning Wigwams, and carrying Corn aboard all that Day*. And presently beating up our Drum, we Fired the *Wigwams* in their View: And as we Marched, there were two *Indians* standing upon a Hill jeering and reviling of us: Mr. *Thomas Stanton* our Interpreter, Marching at Liberty, desired to make a Shot at them; the *Captain* demanding of the *Indians*, *What they were?* Who said, *They were Murderers*: Then the said *Stanton* having leave, let fly, Shot one of them through both his Thighs, which was to our Wonderment, it being at such a vast distance.


We then loaded our *Bark* with Corn; and our *Indians* their *Canoes*: And thirty more which we had taken with *Knives*, *Trays*, *Matts*, and other *Indian* Luggage. That Night we went all aboard, & set Sail homeward: It pleased God in a short Time to bring us all in safety to the Place of our Abode; although we struck and stuck upon a Rock. The Way and Manner how God dealt with us in our Delivery was very Remarkable: The Story would be somewhat long to trouble you with at this time; and therefore I shall forbear.

Thus.

- 21 Thus we may see, *How the Face of God is set against them that do Evil, to cut off the Remembrance of them from the Earth. Our Tongue shall talk of thy Righteousness all the Day long; for they are confounded, they are bro't to Shame that sought our Hurt! Blessed be the LORD God of Israel, who only doth wondrous Things; and blessed be his holy Name for ever: Let the whole Earth be filled with his Glory! Thus the LORD was pleased to smite our Enemies in the binder Parts, and to give us their Land for an Inheritance: Who remembred us in our low Estate, and redeemed us out of our Enemies Hands: Let us therefore praise the LORD for his Goodness and his wonderful Works to the Children of Men!*

A D D I T I O N.

I shall add a Word or two by way of COMMENT.

- 22  UR *Commons* were very short, there being a general scarcity throughout the *Colony* of all sorts of Provision, it being upon our first Arrival at the Place. We had but one Pint of strong Liquors among us in our whole March, but what the Wilderness afforded; (the Bottle of Liquor being in my Hand) & when it was empty, the very smelling to the Bottle would presently recover such as Fainted away, which happened by the extremity of the Heat: And thus we Marched on in an uncouth and unknown Path to the *English*, though much frequented by *Indians*. And was not the Finger of God in all this? By his special Providence to lead us along in the Way we should go: Nay though we knew not where their Forts were, how far it was to them, nor the Way that led to them, but by what we had from our *Indian* Guides; whom we could not confide in, but looked at them as uncertain: And yet notwithstanding all our Doubts, we should be brought on the very fittest Season; nay and which is yet more, that we should be carried in our March among a treacherous and perfidious People, yea in our alldgment to near the Enemy, all Night in so populous a Country, and not the least Notice of us; seemeth somewhat strange, and more than ordinary: Nay that we should come to their very Doors: *What shall I say?* God was pleased to hide us in the Hollow of his Hand: I still remember a Speech of Mr. HOOKER at our going aboard; THAT THEY SHOULD BE BREAD FOR US. And thus when the LORD turned the Captivity of his People, and turned the Wheel upon their Enemies; we were like Men in a Dream; then was our Mouth filled with Laughter, and our Tongues with Singing; thus we may say the LORD hath done great Things for us among the Heathen, whereof we are glad. Praise ye the LORD!

I shall mention two or three *special Providences* that God was pleased to vouchsafe to *Particular Men*; viz. *two Men*, being one Man's Servants, namely, *John Dier* and *Thomas Stiles*, were both of them Shot in the Knots of their Handkerchiefs, being

being about their Necks, and received no Hurt. Lieutenant *Seeley* was Shot in the Eyebrow with a flat headed Arrow, the Point turning downwards: I pulled it out my self. Lieutenant *Bull* had an Arrow Shot into a hard piece of Cheese, having no other Defence: Which may verify the old Saying, *A little Armour would serve if a Man knew where to place it.* Many such Providences happened; some respecting my self; but since there is none that Witness to them, I shall forbear to mention them.

The Year ensuing, the Colony being in extream Want of Provision, many giving *tenelve Skillings* for one Bushel of *Indian Corn*; the Court of *Connecticut* imploying Captain *Mason*, Mr. *William Wadsworth* and Deacon *Stebbin*, to try what Providence would afford, for their Relief in this great Straight: Who notwithstanding some discouragement they met with from some *English*, went to a Place called *Pocomtuck* ‡: where they procured so much *Corn* at reasonable Rates, that the *Indians* brought down to *Hartford* and *Windsor*, FIFTY CANOES laden with *Corn* at one time. Never was the like known to this Day! So although the LORD was pleased to shew his People hard Things; yet did he execute Judgment for the Oppressed, and gave Food to the Hungry. O let us meditate on the Great Works of God: Ascribing all Blessing and Praise to his Great Name, for all his Great Goodness and Salvation! Amen, Amen.

‡ Since called *Deerfield*.

F I N I S.

384 We do certify, that all the copies of the foregoing papers, deeds, instruments, evidences, and writings, from * page 363 to 384 [of the original] are true copies of the copies of the papers, deeds, instruments, evidences, and writings exhibited before Cadwallader Colden, Philip Cortland, Daniel Horsmanden, John Rodman, and Robert Hunter Morris, Esqrs. *on behalf of the tenants* of the lands in dispute in the cause or controversy between the governor and company of Connecticut and the Mohegan Indians heard and determined before them, as the same are contained in the original book of proceedings by them certified, the same having been compared and examined by us.

Witness our hands at New York this 31st day of January 1744.

PHILIP CORTLAND,
HENRY LANE,
DANIEL HORSMANDEN.

* Page 239 to page 277 of the print.

it

Norwalk,

Norwalk, *October 25th* 1743.

385

At the house of Mr. Belden, tavern-keeper.

P R E S E N T

The honourable	{	Cadwallader Colden, president, Philip Cortland, Henry Lane, Daniel Horsmanden, Robert Hunter Morris,	}	Esqs. commis- sioners.
----------------	---	------------------------------------------------------------------------------------------------------------------	---	---------------------------

Court opened according to adjournment.

The agents for the governor and company not being present, court adjourned till to-morrow morning at eight o'clock.

Wednesday, *October 26th* 1743.

Present as above.

Court opened.

Owned by the agents for the governor and company, that a copy of the judgment, as on file, was served on them, pursuant to the order of August the 16th 1743.

Owned also by Mr. Mafon, that a copy of said judgment was served on him, pursuant to the order aforesaid.

Daniel Huntington, one of the clerks to the honourable commissioners, informed the court, that he had not been able, pursuant to order, to prepare a complete copy of all the proceedings to be laid before the commissioners, in order to be transmitted to the lords commissioners for trade and plantations; but that there remained about thirty pages to be done, which he would prepare with all convenient speed.

Mr. Colden declared, that he came to this meeting of the commissioners at Norwalk, 385

walk, in order to do every thing required by his majesty's commission to be done by the commissioners, and particularly to certify copies of the proceedings, as required by the said commission, and that he is willing to stay any reasonable time necessary for that purpose.

Mr. Mason presented a paper, which was read and ordered to be filed and entered on the minutes, and is as follows:

To the honourable the court of commissioners, appointed to re-examine, review, and determine a certain cause or controversy depending between the governor and company of the colony of Connecticut and the Mohegan Indians, held at Norwalk on the 25th day of October 1743.

The said Mohegan Indians declare and say,

That the judgment, determination, or decree of this honourable court, in the cause or controversy aforesaid, made and published at Norwich on the 16th of August last, is very grievous to them, and altogether erroneous, saving only that part thereof whereby the decree of Joseph Dudley, Esq; and others, made and published on the 24th of August 1705, in favour of the said Indians and their chief Sachem, is in part affirmed. And the said Mohegan Indians hereby *appeal from* the aforesaid judgment, determination, or decree of this court, to his most sacred majesty the king of Great Britain in his privy council, in order to have the same corrected, and to obtain from his said majesty redress of their wrongs long endured. And they pray that this their appeal may be entered accordingly.

W. BOLLAN.

387 Whereupon the agents for the governor and company *excepted to the order of the court allowing the entry of an appeal* from the judgment of this court, in regard the appeal moved for is made in the name of the Mohegan Indians, by a motion signed William Bollan; when as the Indians do not make the said motion *themselves*, nor doth it appear, by the exhibits in the proceedings of this court, that the said Bollan was or is of counsel for the *Mohegan Indians*, and so no right, by his majesty's commission, to appeal from the judgment aforesaid.

Wherefore the said agents *save and reserve to themselves all liberty of exception*, now and at all times hereafter, to the appeal aforesaid, and pray this exception may be entered in the minutes of this court; which is by this court allowed of.

Mr. Morris having, at the last meeting of the commissioners, reserved to himself the liberty of entering his opinion at large, now declared, that he had not been able to prepare it for want of the exhibits in the cause, which he expected would have been sent him, but were not. And he further declared, that his majesty's service required his attendance in New-Jersey, the general assembly of that colony being now sitting, and not a sufficient number of the council without him able to attend their session; and as he conceived the design of this meeting was only to allow the parties to enter their appeal, if either of them inclined to appeal from the judgment, and three being sufficient to examine the proceedings, he judged there was not an absolute necessity

of his attending after the rising of the court, but would be ready to examine and certify such copies as should be laid before him in New-Jersey.

Mr. Horsmanden, pursuant to the liberty he had reserved of entering his opinion at large upon the merits of this cause at this meeting of the commissioners, delivered his opinion so far as he had had leisure to prepare the same, viz. down to the year 1692, which he read in court, and desired it might be entered on the minutes; which being objected against by the agents of the governor and company, and the opinion of the court prayed thereupon, it was resolved by a majority in the *negative*; Mr. Morris voted in the affirmative: And against which judgment Mr. Horsmanden *protested*, and declared that he would take the next opportunity of transmitting his opinion in the case to the lords commissioners for trade and plantations. 288

The agents of the governor and company moved to this court, that they might have a copy of the whole proceedings of this court, now compared and attested by three of the commissioners, according to the direction of his majesty's commission, and the order of this court on the 16th of August; which copy, at their own expence, they have now ready drawn, to be compared and attested accordingly; which they also presented before the commissioners for that purpose, and pray this motion may be entered in the minutes.

Mr. Lane declared he could not stay, being taken from his business at an hour's warning, for fear the commission should drop, was unwell at the time, and is so still; besides, his business would much suffer, coming away so suddenly, and not having been at any former proceedings.

Mr. Cortland declared, that he had postponed business of the utmost consequence to his private affairs, in order to attend this meeting of the commissioners, which requires his immediate attendance at New-York, and therefore he could not stay without the greatest inconvenience to himself. 389

Mr. Horsmanden declared, that he did not see any inconvenience could arise to the governor and company if the examination of their copies were postponed till the other two copies were completed, the one to be transmitted to the lords of trade, and the other for the Mohegan Indians; that the commissioners might examine all three copies together; which he thought might be done at New-York, where the public business required his attendance, as well as his private affairs; and as he had already spent so much time in neglect of both this summer, in attendance at Norwich as a commissioner in this cause, he presumed he might be excused, if he declined confining himself any longer to this colony at this season of the year, for a matter which he conceived not to be of absolute necessity.

Ordered, That the clerk or clerks of this court do deliver the several papers exhibited in evidence before the commissioners to the respective parties, or their agents, to whom they belong, on this day month, upon demand, or sooner, if the several copies thereof are completed.

Ordered, That the book of the minutes and proceedings of this court, marked 4. B letter .

letter A, be lodged in the secretary's office of New-York, by any of the commissioners, after the several copies required by the commissioners are completed.

Ordered, That Mr. Colden and Mr. Cortland, or either of them, do transmit to the lords commissioners for trade and plantations, with all convenient expedition, a complete copy of the proceedings of this court.

Proclamation made in the words following:

390 Oyez. — All manner of persons that have any thing further to offer to this his majesty's court of commissioners, let them draw near, and they shall be heard.

No person appearing to offer any thing, the commissioners departed without adjournment.

We do certify, That the foregoing entries, from * page 385 [of the original], are true copies of the *minutes of the proceedings*, before his majesty's commissioners at Norwalk on the 25th and 26th days of October last. Witness our hands at New-York this 31st day of January 1744.

PHILIP CORTLAND,
HENRY LANE,
DANIEL HORSMANDEN.

391 William Bollan of Boston in New-England, Esq; maketh oath, That he is well acquainted with the hand-writing of Daniel Horsmanden, Esq; one of the members of his majesty's council in the province of New-York, and one of the commissioners by his majesty appointed to review the cause before mentioned; and that he verily believes the name, Daniel Horsmanden, wrote in the † 219th, 323d, 362d, 384th, and 390th pages of this book (*i. e.* the original), and subscribed to the several certificates in the several pages afore set forth, to be the proper hand-writing of the said Daniel Horsmanden. And further the deponent saith not.

W. BOLLAN.

Province of the
Massachusetts Bay,
Suffolk, ff. }

Boston, November 10th 1744. — Then the above-named William Bollan appeared before me the subscriber, one of his majesty's justices of the peace for the said county of Suffolk, and made oath to the truth of the above-written deposition.

Coram H. HALL, just. pacis.

Boston, November 12th 1744.

392 This may certify, That I John Knight of Boston, by letters I have at several times received from the honourable Philip Cortland, Esq; of New-York, am well acquainted with his hand-writing, and verily believe his name in ‡ page 219, 323, 362,

* Page 279 of the print. † Pages 144, 213, 239, and 278, and the present page of the print.
‡ Pages 144, &c. as in former note.

384, and 390 in this book [*i. e.* the original], to be the hand-writing of said Philip Cortland.

JOHN KNIGHT.

Boston, New England, November 12th 1744.

Suffolk, } John Knight appeared, and made solemn oath to the truth of the foregoing declaration by him subscribed.

Coram H. HALL, just. pacis.

(L.S.) By his excellency William Shirley, Esq; captain-general and governor in chief in and over his majesty's province of the Massachusetts Bay in New-England.

I do hereby certify, That Hugh Hall, Esq; (before whom oath was made by William Bollen, Esq; and Mr. John Knight, to the depositions on this and the foregoing page) is a justice of the peace for the county of Suffolk in the aforesaid province, and that full faith and entire credit is and ought to be given to his acts and attestations, both in court and without.

In testimony whereof I have caused the public seal of the province of the Massachusetts Bay aforesaid to be hereunto affixed. Dated at Boston the 12th day of November 1744, in the 18th year of his majesty's reign.

By his excellency's command.

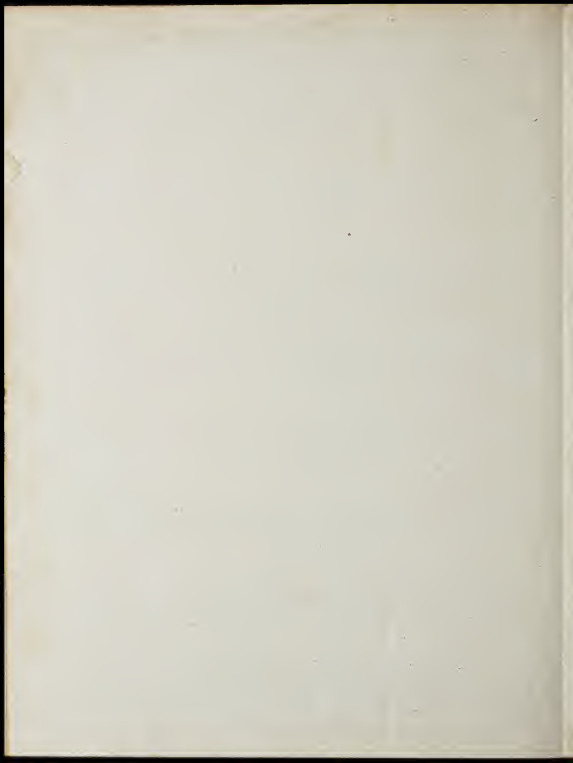
J. Willard, secretary.

W. SHIRLEY.

T H E E N D.







AYER

244,5

07

1769

